

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

KRISHNA UDAIYAR, PRABHU AND  
MUTHAIYAN, RAMYA, ON BEHALF OF AND  
AS PARENTS AND NATURAL GUARDIANS OF  
PRABHU, DHAKSHAN, A MINOR,

Petitioners,

vs.

Case No. 20-0500N

FLORIDA BIRTH-RELATED NEUROLOGICAL  
INJURY COMPENSATION ASSOCIATION,

Respondent,

and

JAMES C. VON THRON, M.D.; RESHELLE D.  
PENA, M.D.; AND WOMEN'S CARE FLORIDA,

Intervenors.

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FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD

This cause came on for consideration pursuant to sections 766.304 and 766.305(7), Florida Statutes, upon the Stipulation and Joint Petition for Compensation of Claim Arising Out of Florida Birth-Related Neurological Injury Pursuant to Chapter 766, Florida Statutes (the "Stipulation"), filed with the Division of Administrative Hearings on October 19, 2020, for the entry of an order approving the resolution of a claim for compensation filed in accordance with the provisions of chapter 766, and resolving the exclusive remedy available as outlined in chapter 766.

By the terms of the Stipulation, Petitioners, Krishna Udaiyar, Prabhu, and Muthaiyan, Ramya, on behalf of and as parents and natural guardians of

Prabhu, Dhakshan (“Dhakshan”), a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (“NICA”), agree to the following:

1. Krishna Udaiyar, Prabhu, and Muthaiyan, Ramya are the parents and natural guardians of Dhakshan;

2. Dhakshan was born a live infant on January 5, 2019, at AdventHealth Tampa, a “hospital” as defined by section 766.302(6), located in Tampa, Florida;

3. Dhakshan’s birth weight exceeded 2,500 grams;

4. Dhakshan suffered a “birth-related neurological injury” as that term is defined by section 766.302(2), which was the sole and proximate cause of Dhakshan’s current medical condition; and

5. James C. Von Thron, M.D., and Rechelle Pena, M.D., provided obstetrical services at Dhakshan’s delivery, and at that time, each doctor was a “participating physician” in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7).

It is ORDERED:

1. The Stipulation filed on October 19, 2020, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation.

2. Petitioners, Krishna Udaiyar, Prabhu, and Muthaiyan, Ramya, are awarded One Hundred Thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1.


3. Petitioners are awarded payment of benefits up to and including the effective date of the Stipulation pursuant to section 766.31(1)(a), subject to the provisions of paragraph 19 of the Stipulation.

4. Upon NICA’s payment of the award of \$100,000.00, Petitioners’ claims shall be deemed fully satisfied and extinguished, except for Respondent’s

continuing obligation under section 766.31(2) to pay future expenses, as incurred.

5. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any disputes, should they arise, regarding the parties' compliance with the terms of this Order.

DONE AND ORDERED this 26th day of October, 2020, in Tallahassee, Leon County, Florida.



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J. BRUCE CULPEPPER  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 26th day of October, 2020.

COPIES FURNISHED:  
(via certified mail)

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Review of a final order of an administrative law judge shall be by appeal to the District Court of Appeal pursuant to section 766.311(1), Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy, accompanied by filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal. *See* § 766.311(1), Fla. Stat., and *Fla. Birth-Related Neurological Injury Comp. Ass'n v. Carreras*, 598 So. 2d 299 (Fla. 1st DCA 1992).