

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

JENNIFER ANN MUNGILLO, INDIVIDUALLY
AND COLTON SUMMERLIN, INDIVIDUALLY,
AND AS NATURAL PARENTS AND
GUARDIANS OF KYLIE LEIGH SUMMERLIN,
A MINOR AND KINLEY ANN SUMMERLIN, A
MINOR,

Petitioners,

Case No. 20-1440N

vs.

FLORIDA BIRTH-RELATED NEUROLOGICAL
INJURY COMPENSATION ASSOCIATION,

Respondent

and

LEE MEMORIAL HEALTH SYSTEM AND RAVI
CHOKSHI, M.D.; JOSEPH F. LANG; CHARLES
BURLISON, M.D.; OB HOSPITALIST GROUP,
LLC; MEDNAX, INC.; MEDNAX SERVICES,
INC.; PEDIATRIX MEDICAL GROUP, INC.;
PEDIATRIX MEDICAL GROUP OF FLORIDA,
INC.; JUDITH KRAMMER, M.D.; ET AL,

Intervenors.

_____ /

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 (Stipulation and Joint Petition), filed with the Division of Administrative Hearings (DOAH) on March 17, 2021, for the entry of an order approving the resolution of a claim for compensation benefits filed in accordance with chapter 766, and

a resolution of the exclusive remedy otherwise available as outlined in chapter 766.

By the terms of their Stipulation and Joint Petition, Petitioners, Jennifer Ann Mungillo and Colton Summerlin, as parents and natural guardians of Kylie Leigh Summerlin (Kylie), a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Jennifer Ann Mungillo and Colton Summerlin are the parents and legal guardians of Kylie; that Kylie was a twin gestation and born a live infant on or about September 18, 2017, at Lee Memorial Health System, a “hospital,” as defined by section 766.302(6), located in Fort Myers, Florida; and that Kylie’s birth weight exceeded 2,000 grams. The parties have further agreed that Ravi Chokshi, M.D., and Charles K. Burlison, M.D., provided obstetrical services at Kylie’s delivery and were “participating physicians” in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). The parties have agreed that Kylie suffered a “birth-related neurological injury,” as that term is defined by section 766.302(2), which was the sole and proximate cause of Kylie’s current medical condition. It is

ORDERED:

1. The Stipulation and Joint Petition filed on March 17, 2021, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

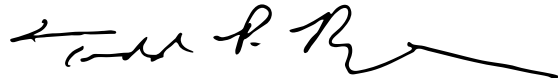
2. Petitioners, Jennifer Ann Mungillo and Colton Summerlin, as the parents and legal guardians of Kylie, a minor, are awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as a lump sum to the parents; payment of benefits up to and including the effective date of the Stipulation and Joint Petition pursuant to section 766.31(1)(a); and payments of future expenses, as incurred.

3. NICA shall reimburse Ryan Fogg, Esquire, an agreed upon attorney's fee of fifteen thousand five hundred and five dollars (\$15,505.00); and expenses of six thousand twenty-two dollars and ninety-five cents (\$6,022.95); totaling twenty-one thousand five hundred twenty-seven dollars and ninety-five cents (\$21,527.95), for services rendered in the filing the claim.

4. Upon the payment of the award of \$100,000.00, past benefits/expenses, and attorney's fees and expenses of \$21,527.95, the claims of Petitioners 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 March, 2021, in Tallahassee, Leon County, Florida.



TODD P. RESAVAGE
Administrative Law Judge
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Filed with the Clerk of the
Division of Administrative Hearings
this 26th day of March, 2021.

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).