

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ANDREW CARVER AND RUBY CARVER, ON  
BEHALF OF AND AS PARENTS AND  
NATURAL GUARDIANS OF JACOBI CARVER,  
A MINOR,

Petitioners,

vs.

Case No. 20-2519N

FLORIDA BIRTH-RELATED NEUROLOGICAL  
INJURY COMPENSATION ASSOCIATION,

Respondent.

---

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 on September 21, 2020, for the entry of an order approving the resolution of a claim for compensation benefits filed in accordance with the provisions of chapter 766 and a resolution of the exclusive remedy otherwise available as outlined in chapter 766.

By the terms of their stipulation, Petitioners, Andrew Carver and Ruby Carver, as parents and natural guardians of Jacobi Carver, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Andrew Carver and Ruby Carver are the parents and legal guardians of Jacobi Carver (Jacobi), a minor; that Jacobi was born a live infant on or about August 1, 2018, at Mease

Countryside Hospital, a “hospital” as defined by section 766.302(6) located in Safety Harbor, Florida; and that Jacobi’s birth weight exceeded 2,500 grams. The Parties have further agreed that Ira Sites, III, M.D., provided obstetrical services at Jacobi's delivery and was a “participating physician” in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). The Parties have agreed that Jacobi suffered a “birth-related neurological injury,” as that term is defined by section 766.302(2), which was the sole and proximate cause of Jacobi's current medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition filed on September 21, 2020, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Andrew Carver and Ruby Carver, as the parents and legal guardians of Jacobi Carver, a minor, are awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as periodic payments; payment of benefits up to and including the effective date of the Stipulation and Joint Petition pursuant to section 766.31(1)(a), subject to the provisions of paragraph 19 of the Stipulation and Joint Petition; and payments of future expenses, as incurred.

3. NICA will reimburse Diane Zuckerman, Esquire, attorney for Petitioners, an agreed-upon attorney’s fee of \$12,000.00 and expenses of \$283.59, totaling \$12,283.59 in full for services rendered in the filing of this claim.

4. Upon the payment of the award of \$100,000.00, past benefit/expenses, and \$12,283.59 for attorney’s fees and costs, 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 2nd day of October, 2020, in Tallahassee, Leon County, Florida.



---

W. DAVID WATKINS  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 2nd day of October, 2020.

COPIES FURNISHED:  
(via certified mail)

Kenney Shipley, Executive Director  
Florida Birth-Related Neurological  
Injury Compensation Association  
Suite 1  
2360 Christopher Place  
Tallahassee, Florida 32308  
(eServed)  
(Certified Mail No. 7020 0090 0000 8715 2735)

Diane I. Zuckerman, Esquire  
Law Firm of Diane Zuckerman, LLC  
Suite 824  
412 East Madison Street  
Tampa, Florida 33602  
(eServed)  
(Certified Mail No. 7020 0090 0000 8715 2742)

Amie Rice, Investigation Manager  
Consumer Services Unit  
Department of Health  
4052 Bald Cypress Way, Bin C-75  
Tallahassee, Florida 32399-3275  
(Certified Mail No. 7020 0090 0000 8715 2759)

Mary C. Mayhew, Secretary  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop 1  
Tallahassee, Florida 32308  
(eServed)  
(Certified Mail No. 7020 0090 0000 8715 2766)

Ira Sites, III, M.D.  
300 Pinellas Street  
Clearwater, Florida 33756  
(Certified Mail No. 7020 0090 0000 8715 2773)

Mease Countryside Hospital  
Attention: Risk Management  
3231 McCullen Booth Road  
Safety Harbor, Florida 34695  
(Certified Mail No. 7020 0090 0000 8715 2780)

Shelley Chenault, APRN  
Suite 110  
1840 Mease Drive  
Safety Harbor, Florida 34695  
(Certified Mail No. 7020 0090 0000 8715 2797)

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).