

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

NATALIE KIM WELLS AND CODY WELLS,
INDIVIDUALLY, AND AS NATURAL PARENTS
OF ROSLYN SUE WELLS, DECEASED,

Petitioners,

vs.

Case No. 20-3837N

FLORIDA BIRTH-RELATED NEUROLOGICAL
INJURY COMPENSATION ASSOCIATION,

Respondent,

and

SEABORN M. HUNT, M.D., AND 17TH
STREET, LLC, AND MUNROE HMA
HOSPITAL, LLC, D/B/A MUNROE REGIONAL
MEDICAL CENTER,

Intervenors.

FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD

This cause came on for consideration pursuant to sections 766.304 and 766.305, Florida Statutes, upon the Joint Stipulation and Motion for Entry of Award Pursuant to Chapter 766, Florida Statutes (Joint Stipulation), filed with the Division of Administrative Hearings (DOAH) on October 13, 2021, for the entry of an order approving the resolution of a claim for compensation benefits filed in accordance with the undersigned's Final Order, entered July 9, 2021, the provisions of chapter 766, and a resolution of the exclusive remedy otherwise available as outlined in chapter 766.

By the terms of their Joint Stipulation, Petitioners, Natalie Kim Wells and Cody Wells, individually and as natural parents and guardians of Roslyn

Sue Wells, a deceased minor (Roslyn), and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Natalie Kim Wells and Cody Wells are the parents of Roslyn; that, as found in the Final Order, Roslyn was born a live infant on or March 24, 2016; and that Roslyn's birth weight exceeded 2,500 grams. The parties have further agreed that Intervenor, Seaborn M. Hunt, M.D., provided obstetrical services at Roslyn's delivery, and that Dr. Hunt 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 Roslyn suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause that led to Roslyn's death.

It is ORDERED:

1. The Joint Stipulation filed on October 13, 2021, is hereby approved, and the parties are directed to comply with the provisions of the Joint Stipulation.

2. Petitioners, Natalie Kim Wells and Cody Wells, as the parents of Roslyn, a deceased minor, are awarded two hundred and fifty thousand dollars (\$250,000.00), pursuant to section 766.31(1)(b)1., to be paid as a lump sum to the parents.

3. Petitioners, Natalie Kim Wells and Cody Wells, as the parents of Roslyn, a deceased minor, are awarded a death benefit of fifty thousand dollars (\$50,000.00), pursuant to section 766.31(1)(b)2., to be paid as a lump sum to the parents.

4. NICA will reimburse T. Patton Youngblood, Jr., and Youngblood Law Firm, attorneys for Petitioners, an agreed-upon amount of eight thousand five hundred dollars (\$8,500.00), for reasonable attorney's fees in the filing of this claim, pursuant to section 766.31(1)(c).

5. Upon the payment of the award of \$250,000.00 for past benefit/expenses, \$50,000.00 for the death benefit, and \$8,500.00 for attorney's fees, the claims of Petitioners shall be deemed fully satisfied and extinguished.

6. The Division 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 21st day of October, 2021, in Tallahassee, Leon County, Florida.



ROBERT J. TELFER III
Administrative Law Judge
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Filed with the Clerk of the
Division of Administrative Hearings
this 21st day of October, 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).