

**STATE OF FLORIDA**  
**DIVISION OF ADMINISTRATIVE HEARINGS**

NICOLE EVERETT, INDIVIDUALLY AND AS  
PARENT AND NEXT FRIEND OF AVA  
ROBERTS, A MINOR,

Petitioner,

vs.

Case No. 20-5230N

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 March 1, 2021, 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, Petitioner, Nicole Everett, individually and as parent and next friend of Ava Roberts, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Nicole Everett is the parent and next friend of Ava Roberts (Ava), a minor; that Ava was born a live infant on or about May 19, 2019, at AdventHealth Daytona Beach, a "hospital" as defined by section 766.302(6) located in Daytona Beach, Volusia County, Florida; and that Ava's birth

weight exceeded 2,500 grams. The Parties have further agreed that Cecille Tapia-Santiago, M.D., provided obstetrical services at Ava'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 Ava suffered a “birth-related neurological injury,” as that term is defined by section 766.302(2), which was the sole and proximate cause of Ava's current medical condition.

It is ORDERED:

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

2. Petitioner, Nicole Everett, individually and as parent and next friend of Ava Roberts, a minor, is 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 parent; 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 Bounds Law Group, attorneys for Petitioner, an agreed-upon attorney’s fee of \$12,500.00 and expenses of \$65.00, totaling \$12,565.00 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 \$12,565.00 for attorney’s fees and costs, the claims of Petitioner 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 3rd day of March, 2021, in Tallahassee, Leon  
County, Florida.



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W. DAVID WATKINS  
Administrative Law Judge  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 3rd 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).