

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MEREDITH ORUC (MOTHER) AND IGOR
ORUC (FATHER) ON BEHALF OF AND AS
NATURAL GUARDIANS OF NIKOLA TOMAS
ORUC, A MINOR,

Petitioners,

vs.

Case No. 20-5581N

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 30, 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, Petitioners, Meredith Oruc (Mother) and Igor Oruc (Father), on behalf of and as natural guardians of Nikola Tomas Oruc, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Meredith Oruc and Igor Oruc are the parents and natural guardians of Nikola Tomas Oruc (Nikola), a minor; that Nikola was born a live infant on or about April 13,

2018, at U.F. Shands Jacksonville, a “hospital” as defined by section 766.302(6) located in Jacksonville, Florida; and that Nikola’s birth weight exceeded 2,500 grams. The Parties have further agreed that Gregory Kainz, M.D.; Deanna McCullough, M.D.; Isaac Delke, M.D.; and Erin Burnett, M.D, provided obstetrical services at Nikola'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 Nikola suffered a “birth-related neurological injury,” as that term is defined by section 766.302(2), which was the sole and proximate cause of Nikola's current medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition filed on March 30, 2021, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Meredith Oruc (Mother) and Igor Oruc (Father), on behalf of and as natural guardians of Nikola Tomas Oruc, a minor, are awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid to the parents as a lump sum; 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 Rodney S. Margol, Esquire, attorney for Petitioners, an agreed-upon attorney’s fee of \$10,000.00 and expenses of \$1,823.46, totaling \$11,823.46 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 \$11,823.46 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 1st day of April, 2021, in Tallahassee, Leon County, Florida.



W. DAVID WATKINS
Administrative Law Judge
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Filed with the Clerk of the
Division of Administrative Hearings
this 1st day of April, 2021.

COPIES FURNISHED:
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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).