

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

WHITNIE PADRON, AS PARENT AND  
NATURAL GUARDIAN OF LANDEN PADRON,  
A MINOR,

Petitioner,

vs.

Case No. 21-0459F

FLORIDA BIRTH- RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent,

and

RACHEL A. LAMBERT, M.D.; AND  
MORTON PLANT HOSPITAL ASSOCIATION,  
INC., D/B/A MORTON PLANT HOSPITAL,

Intervenor.

\_\_\_\_\_ /

FINAL ORDER APPROVING STIPULATION FOR AWARD OF  
ATTORNEY'S FEES UNDER SECTION 766.31

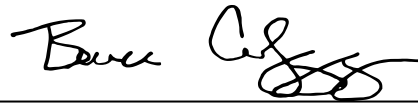
This cause came for consideration pursuant to sections 766.304, 766.305(7), and 766.31, Florida Statutes, on the Stipulation and Joint Petition for Compensation of Attorney's Fees (the "Stipulation") filed with the Division of Administrative Hearings ("DOAH") on May 5, 2021. The Stipulation requests entry of an order for the reimbursement of attorney's fees for services rendered in the filing of a claim for benefits under sections 766.301-.316. *See Padron v. Fla. Birth-Related Neurological Injury Compensation Ass.*, Case No. 18-6737N (Fla. DOAH Oct. 13, 2020).

In the underlying case, Landon Padron was determined to have suffered a "birth-related neurological injury" as that term is defined in section 766.302(2), as well as to be eligible for an award of compensation under section 766.31. Thereafter, a Final Order was entered approving the resolution of Petitioner's claim for benefits in accordance with the provisions of chapter 766. Included in that Final Order, Petitioner was awarded reasonable attorney's fees from the Florida Birth-Related Neurological Injury Compensation Association ("NICA") pursuant to section 766.31(1)(c). DOAH retained jurisdiction to determine and/or resolve any disputes regarding the amount of attorney's fees to which Petitioner is entitled.

Based on the forgoing, it is ORDERED that:

1. The Stipulation filed on May 5, 2021, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation.
2. NICA shall reimburse Petitioner's counsel, Carlos Diez-Arguelles, Esquire, and the law firm of Diez-Arguelles & Tejedor, agreed-upon attorney's fees of Ten Thousand Dollars (\$10,000.00), pursuant to section 766.31(1)(c), for services rendered in the filing of Petitioner's NICA claim.
3. Upon NICA's payment of attorney's fees, as well as the other compensation awarded in the underlying matter under section 766.31(1), Petitioner's claims shall be deemed fully satisfied and extinguished, except for NICA's continuing obligation under section 766.31(2) to pay future expenses as incurred.
4. 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 10th day of May, 2021, in Tallahassee, Leon  
County, Florida.



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J. BRUCE CULPEPPER  
Administrative Law Judge  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
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www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 10th day of May, 2021.

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NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to section 120.68, 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 of the notice, accompanied by any filing fees prescribed by law, with the clerk of the district court of appeal in the appellate district where the agency maintains its headquarters or where a party resides or as otherwise provided by law.