

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TAIRKEISHA CHAPMAN AND ISAIAH
CHAPMAN, INDIVIDUALLY AND AS NATURAL
PARENTS OF ISAIAHSKYLER CHAPMAN, A
MINOR,

Petitioners,

vs.

Case No. 21-1177N

FLORIDA BIRTH-RELATED NEUROLOGICAL
INJURY COMPENSATION ASSOCIATION,

Respondent.

_____ /

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 (DOAH) on July 2, 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 the Stipulation and Joint Petition, Petitioners, Tairkeisha Chapman and Isaiah Chapman, as parents and natural guardians of IsaiahSkyler Chapman (IsaiahSkyler), a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Tairkeisha Chapman and Isaiah Chapman are the parents and legal guardians of IsaiahSkyler; that IsaiahSkyler was born a live infant on or

about February 2, 2020, at Sacred Heart Health System, Inc. d/b/a Ascension Sacred Heart Pensacola, a “hospital” as defined by section 766.302(6), located in Pensacola, Florida; and that IsaiahSkyler’s birth weight exceeded 2,500 grams. The parties have further agreed that Sharon L. Seidel, M.D., provided obstetrical services at IsaiahSkyler’s delivery and was a “participating physician” in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). Finally, the parties have agreed that IsaiahSkyler suffered a “birth-related neurological injury,” as that term is defined by section 766.302(2), which was the sole and proximate cause of IsaiahSkyler’s injury. It is

ORDERED:

1. The Stipulation and Joint Petition filed on July 2, 2021, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Tairkeisha and Isaiah Chapman, as the parents and legal guardians of IsaiahSkyler, a minor, are awarded two hundred fifty thousand dollars (\$250,000.00), pursuant to section 766.31(1)(b)1., to be paid as a lump sum to Petitioners; and payment of all benefits, past and future, as authorized by section 766.31(1)(a), subject to the provisions of paragraph 19 of the Stipulation and Joint Petition.

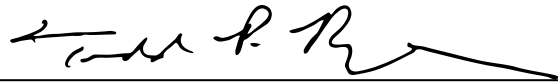
3. NICA shall reimburse Ronald S. Gilbert, Esquire, of Colling, Gilbert, Wright, & Carter, LLC, an agreed upon attorney’s fee of twelve thousand five hundred dollars (\$12,500.00), and expenses of five hundred dollars (\$500.00); totaling thirteen thousand dollars (\$13,000.00) for services rendered in the filing of the claim.

4. Upon the payment of the award of \$250,000.00, past benefits/expenses, and attorney’s fees and expenses of \$13,000.00, the claim 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 DOAH 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 14th day of July, 2021, in Tallahassee, Leon County, Florida.



TODD P. RESAVAGE
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 14th day of July, 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).