

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

STEPHANIE BRYNES, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
DELANEY BRYNES,

Petitioner,

vs.

Case No. 21-2615N

FLORIDA BIRTH-RELATED NEUROLOGICAL  
INJURY COMPENSATION ASSOCIATION,

Respondent,

and

SACRED HEART HEALTH SYSTEM, INC.,

Intervenor.

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FINAL ORDER APPROVING STIPULATION

On November 5, 2021, Stephanie Brynes, as parent and natural guardian of Delaney Brynes (deceased), and the Florida Birth-Related Neurological Injury Compensation Association (NICA), filed a 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). Petitioner and NICA seek entry of an order approving the resolution of the claim for benefits filed in accordance with the provisions of chapter 766.

PRELIMINARY STATEMENT

On August 27, 2021, Petitioner Stephanie Brynes, as parent and natural guardian, and as personal representative for the Estate of Delaney Brynes, filed a Petition for Determination as to the Applicability of Florida's Birth-

Related Neurological Injury Compensation Plan (the Petition). The Petition named Lynda Gilliam, M.D., as the physician providing obstetrical services, and Sacred Heart Hospital as the hospital where Delaney was born. On September 3, 2021, NICA, Dr. Gilliam, and Sacred Heart Hospital were served by certified mail, and on September 22, 2021, Sacred Heart Health System, Inc., moved to intervene. The Motion to Intervene was granted by Order dated September 28, 2021.

On September 23, 2021, NICA responded to the Petition, asserting that based on its review of the documentation provided, the claim was compensable. On October 21, 2021, an Order was issued directing the parties to provide mutually acceptable dates for hearing. In response, NICA filed a Status Report stating that the parties did not believe that there was a need for hearing, and the parties were in the process of finalizing a Stipulation and Joint Petition for filing with the Division of Administrative Hearings (DOAH). Consistent with the Status Report, the Stipulation and Joint Petition was filed November 5, 2021, and is signed by representatives for Petitioner, Respondent, and Intervenor.

#### FINDINGS OF FACT

Based on the Stipulation of the parties and the allegations in the Petition, the following facts are found:

1. Stephanie Brynes (Petitioner) is the parent of Delaney Brynes (Delaney) and is the Claimant as that term is defined in section 766.302(3).
2. Delaney incurred a birth-related neurological injury as that term is defined in section 766.302(2), which was the sole and proximate cause of Delaney's death.
3. At birth, Delaney weighed 3,460 grams.
4. Lynda Gilliam, M.D., rendered obstetrical services in Delaney's delivery and, at all times material to this proceeding, was a "participating physician" as that term is defined in section 766.302(7).

5. Ascension Sacred Heart Pensacola is a hospital located in Pensacola, Florida, and is the “hospital” as that term is defined in section 766.302(6).

6. Delaney died on January 15, 2019.

7. Petitioner filed a Petition pursuant to section 766.305, seeking compensation from NICA, and that Petition is incorporated by reference in its entirety, including all attachments. Any reference made within this document to NICA encompasses, where appropriate, the Florida Birth-Related Neurological Injury Compensation Plan (the Plan).

#### CONCLUSIONS OF LAW

8. DOAH has jurisdiction over the subject matter and the parties to this proceeding pursuant to sections 120.569, 120.57(1), and 766.301, Florida Statutes.

9. Section 766.305(7) requires the presiding administrative law judge to approve the settlement of any claim where NICA determines that the injury is compensable.

#### CONCLUSION

Based upon the Findings of Fact and the Conclusions of Law, it is ORDERED:

1. The Stipulation and Joint Petition filed November 5, 2021, is approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioner, Stephanie Brynes, as the parent of Delaney, is awarded Two Hundred Fifty Thousand Dollars (\$250,000), as authorized by section 766.31(1)(b), to be paid as a lump sum.

3. Petitioner is also awarded a death benefit of Fifty Thousand Dollars (\$50,000), as authorized by section 766.31, and payment of past expenses pursuant to section 766.31(1)(a), subject to the provisions of paragraph 20 of the Stipulation and Joint Petition.

4. NICA will reimburse Jack Lurton, Esquire, attorney for Petitioner, an agreed-upon attorney's fee of Twelve Thousand Five Hundred Dollars (\$12,500), and expenses of Six Thousand Five Hundred Eighteen Dollars and Thirty-Three Cents (\$6,518.33) for a total of Nineteen Thousand Eighteen Dollars and Thirty-Three Cents (\$19,018.33) in full, for services rendered in the filing of this claim.

5. Upon payment of the award described in paragraphs two through four of the final section of this Order, Petitioner's claims shall be deemed fully satisfied and extinguished.

6. 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 18th day of November, 2021, in Tallahassee, Leon County, Florida.



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LISA SHEARER NELSON  
Administrative Law Judge  
1230 Apalachee Parkway  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 18th day of November, 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).