

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CHRISTOPHER CAMERON AND MAHALA
GAINES O/B/O ASHTON CAMERON,
DECEASED,

Petitioners,

vs.

Case No. 22-0509N

FLORIDA BIRTH-RELATED NEUROLOGICAL
INJURY COMPENSATION ASSOCIATION,

Respondent.

_____ /

FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD AND DENYING
MOTION FOR SUMMARY FINAL ORDER

This cause came on for consideration on Respondent's Unopposed Motion for Summary Final Order, filed March 16, 2022, and, pursuant to sections 766.304 and 766.305, 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 March 30, 2022, 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 and Joint Petition, Petitioners, Christopher Cameron and Mahala Gaines, as parents and guardians of Ashton Cameron, a deceased minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Christopher Cameron and Mahala Gaines are the parents and legal

guardians of Ashton Cameron (Ashton); that Ashton was born a live infant on May 26, 2021; that Ashton's birth weight exceeded 2,500 grams; and that Ashton died on June 28, 2021. The parties have further agreed that Richard Chlouber, M.D., provided obstetrical services at Ashton's delivery at Oak Hill Hospital, that Dr. Chlouber was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan, and that Oak Hill Hospital was a hospital, as defined by section 766.302(7). The parties have agreed that Ashton suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause that led to Ashton's death.

It is ORDERED:

1. The Stipulation and Joint Petition filed on March 30, 2022, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition. The Unopposed Motion for Summary Final Order is DENIED as moot.

2. Petitioners, Christopher Cameron and Mahala Gaines, as the parents and legal guardians of Ashton, a minor, are awarded two hundred fifty-seven thousand five hundred dollars (\$257,500.00), pursuant to section 766.31(1)(b)1., and a death benefit in the amount of fifty thousand dollars (\$50,000.00), pursuant to section 766.31(1)(b)2., for a total of three hundred seven thousand five hundred dollars (\$307,500.00), to be paid as a lump sum to the parents.

3. NICA will reimburse Brooke I. Charlan, Esquire, attorney for Petitioners, an agreed-upon attorney's fee of six thousand three hundred fifty-five dollars (\$6,355.00), and expenses of eight hundred forty-five dollars and fourteen cents (\$845.14), for a total of seven thousand two hundred dollars and fourteen cents (\$7,200.14).

4. Upon the full payment of the award of \$307,500.00, as outlined in paragraph 2 above, and \$7,200.14, as outlined in paragraph 3 above, the claims of Petitioners shall be deemed fully satisfied and extinguished.

DONE AND ORDERED this 1st day of April, 2022, in Tallahassee, Leon County, Florida.



ROBERT J. TELFER III
Administrative Law Judge
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Filed with the Clerk of the
Division of Administrative Hearings
this 1st day of April, 2022.

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).