

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MADISON WEIR O/B/O COLTER WEIR, A
MINOR,

Petitioner,

vs.

Case No. 22-1611N

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 September 9, 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, Petitioner, Madison Weir, as parent and natural guardian of Colter Weir, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Madison Weir is the parent and natural legal guardian of Colter Weir (Colter), a minor; that Colter was born a live infant at UF Shands Hospital, which is a “hospital” as defined by section 766.302(6) located in Gainesville, Florida; and that Colter’s birth weight exceeded 2,500 grams. The Parties have further agreed that Mehmet Genc, M.D., provided obstetrical services at

Colter's delivery and was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). The Parties have agreed that Colter suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Colter's current medical condition.

It is ORDERED:


1. The Stipulation and Joint Petition filed on September 9, 2022, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioner, Madison Weir, as the parent and natural guardian of Colter, a minor, is awarded Two Hundred Fifty-Seven Thousand, Five Hundred Dollars (\$257,500.00), pursuant to section 766.31(1)(d)1., to be paid as a lump sum to Petitioner; 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 18 of the Stipulation and Joint Petition; and payments of future expenses, as incurred. In addition, NICA will reimburse the Law Firm of Morgan and Morgan, attorneys for Petitioner, an agreed upon attorneys' fee of \$11,832.50 and expenses of \$1,897.14, totaling \$13,729.64 in full, for services rendered in the filing of this claim. The Petitioner and counsel acknowledge that it is understood "the claimants shall not be liable for any expense, including attorney's fees, incurred in connection with the filing of a claim under sections 766.301-766.316, other than those expenses awarded under section 766.31.

3. Upon the payment of the award of \$257,500.00, payment of attorney's fees and expenses as set forth above, and past benefit/expenses, the claims of Petitioner shall be deemed fully satisfied and extinguished, except for Respondent'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 30th day of September, 2022, in Tallahassee, Leon County, Florida.



W. DAVID WATKINS
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
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Filed with the Clerk of the
Division of Administrative Hearings
this 30th day of September, 2022.

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).