

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

CHRISTOPHER NORMAN AND ELIZABETH
GRAHAM, INDIVIDUALLY AND AS PARENTS
AND NEXT FRIENDS OF PAISLEY NORMAN,
A MINOR,

Petitioners,

vs.

Case No. 22-2103N

FLORIDA BIRTH-RELATED NEUROLOGICAL
INJURY COMPENSATION ASSOCIATION,

Respondent.

_____ /

FINAL ORDER APPROVING STIPULATION

On September 22, 2022, Petitioners Christopher Norman and Elizabeth Graham, individually and as parents and natural guardians of Paisley Norman (Paisley), a minor; and Respondent, Florida Birth-Related Neurological Injury Compensation Association (NICA) (collectively, the Parties), 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). Petitioners and NICA seek entry of an order approving the resolution of Petitioners' claim for benefits filed in accordance with the provisions of chapter 766.

PRELIMINARY STATEMENT

On June 1, 2022, Petitioners filed a Petition for Benefits (Petition), seeking compensation under the Florida Birth-Related Neurological Injury Compensation Association Plan (the Plan). The Petition named Anastasia Hawkins, D.O., as the participating physician providing obstetrical services and Orange Park Medical Center, now known as HCA Florida Orange Park

Hospital (Orange Park) as the hospital where Paisley was born. On July 18, 2022, NICA, Dr. Hawkins, and Orange Park were served with the Petition by certified mail.

On August 30, 2022, NICA filed a Response to Petition for Benefits, stating that NICA agreed with the assertion that Paisley suffered a birth-related neurological event as that term is defined in section 766.302(2). On September 22, 2022, the Stipulation and Joint Petition was presented for approval.

FINDINGS OF FACT

Based on the Stipulation and Joint Petition, the following facts are found:

1. Christopher Norman and Elizabeth Graham are the parents of Paisley Norman and are the “Claimants” as defined by section 766.302(3).
2. On or about July 14, 2018, Paisley incurred a “birth-related neurological injury” as that term is defined in section 766.302(2).
3. At birth, Paisley weighed 3,630 grams.
4. Anastasia Hawkins, D.O., rendered obstetrical services with respect to Paisley’s delivery. At all times, Dr. Hawkins was a “participating physician” as defined in section 766.302(7).
5. Orange Park is a hospital located in Orange Park, Clay County, Florida, and is the “hospital” as that term is defined in section 766.302(6).
6. Petitioners filed the Petition pursuant to section 766.305, seeking compensation from NICA, and the Petition is incorporated by reference in its entirety, including all attachments. Any reference made within this document encompasses, where appropriate, the Plan.

CONCLUSIONS OF LAW

7. The Division of Administrative Hearings (DOAH) has jurisdiction over the subject matter of and the parties to this proceeding pursuant to sections 120.569, 120.57(1), and 766.304, Florida Statutes.

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

CONCLUSION

Based upon the Findings of Fact and 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. Petitioners, Christopher Norman and Elizabeth Graham, are awarded Two Hundred Fifty-Seven Thousand, Five Hundred Dollars (\$257,500.00), to be paid as a lump sum to the parents of Paisley Norman, as authorized by section 766.31(1)(d).

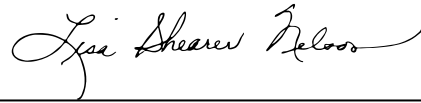
3. Petitioners are also awarded payment of benefits pursuant to section 766.31(1)(a), subject to the terms of paragraph 19 of the Stipulation and Joint Petition.

4. NICA will reimburse Bounds Law Group, attorneys for Petitioners, an agreed-upon attorney's fee of Twelve Thousand, Five Hundred Dollars (\$12,500.00), and expenses of One Thousand, Six Dollars and Seventy-Four Cents (\$1,006.74), for a total of Thirteen Thousand, Five Hundred and Six Dollars and Seventy-Four Cents (\$13,506.74), in full, for services rendered in filing this claim.

5. Upon payment of the award described in paragraphs two through four of the Conclusion section of this Order, Petitioners' 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 12th day of October, 2022, in Tallahassee, Leon County, Florida.



LISA SHEARER NELSON
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 12th day of October, 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).