

IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

JOSEPH BASEY and LISA BASEY, et al.,

Plaintiffs,

vs.

Case No.: 06-CA-004603

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY
COMPENSATION ASSOCIATION,

Division A

Defendant.

NOTICE OF APPEAL OF NON-FINAL ORDERS

NOTICE IS GIVEN that, pursuant to Florida Rule of Appellate Procedure 9.130(a)(4), Defendant Florida Birth-Related Neurological Injury Compensation Association appeals to the Second District Court of Appeal the non-final orders entered after final order of this Court rendered July 16 and August 8, 2013. Conformed copy of the orders are attached hereto as Exhibits A and B, in accordance with Rule of Appellate Procedure 9.130(c). The nature of the orders are a July 16 non-final order enforcing a Settlement Agreement and the trial court's August 8 order denying Defendant's motion for rehearing from the Court's July 16 order. See Avery Development Corp. v. Bast, 582 So. 2d 150 (Fla. 4th DCA 1991) (reviewing an order enforcing a settlement agreement pursuant to Rule 9.130(a)(4)); Delissio v. Delissio, 821 So. 2d 3560 (Fla. 1st DCA 2002) (reviewing an order construing a settlement agreement pursuant to Rule 9.130(a)(4)).

Respectfully submitted,

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Electronic Mail on the 14th day of August, 2013 to:

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Counsel for Plaintiffs



Attorney

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IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

JOSEPH BASEY and LISA BASEY,
as parents and natural guardians of
Samantha Basey, a minor, individually, and on
behalf of all those similarly situated,
MAGDALENA RODRIGUEZ, a single
woman, as parent and natural guardian of
Noemi Rodriguez, a minor, individually and
on behalf of all those similarly situated, and
the STATE OF FLORIDA on the relation of
all such persons,

Plaintiffs,

vs.

Case No. 06-CA-004603

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY
COMPENSATION ASSOCIATION,

Division ~~E~~ A

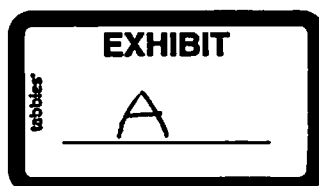
Defendant.

ORDER GRANTING CLASS REPRESENTATIVES' AND CLASS MEMBERS'
MOTION TO ENFORCE AND/OR CLARIFY "WRITTEN EVIDENCE OF REQUEST"
PROVISIONS OF THE SETTLEMENT AGREEMENT AND FINAL JUDGMENT

THIS CAUSE came before the Court on June 25, 2013 concerning the "Class Representatives' and Class Members' Motion to Enforce and/or Clarify 'Written Evidence of Request' Provisions of the Settlement Agreement and Final Judgment." Having considered the motion, the parties' memoranda of law, and the arguments of counsel, and being otherwise advised in the premises, the Court

ORDERED AND ADJUDGED the following:

1. The "Class Representatives' and Class Members' Motion to Enforce and/or Clarify 'Written Evidence of Request' Provisions of the Settlement Agreement and Final Judgment" is hereby GRANTED.



2. If a class member's petition filed with the Division of Administrative Hearings before May 25, 2005, or any other document submitted to the Defendant by or on behalf of that class member before May 25, 2005, requested that compensation be paid for providing medically necessary and reasonable residential and custodial care and services to his or her child, such a document meets the "Written Evidence of Request" requirements contained in the Settlement Agreement and the Final Judgment.

3. Within 30 days of the date of this Order, the Defendant shall mail a copy of this Order to all class members and post a copy of it on the Defendant's internet website.

DONE AND ORDERED, in chambers, in Tampa, Hillsborough County, Florida, this _____ day of _____, 20_____.

ORIGINAL SIGNED
CONFORMED COPY

JUL 16 2013

Honorable Sam D. Pendino
Circuit Court Judge

SAM D. PENDINO
CIRCUIT JUDGE

Conformed copies furnished to:

Richard A. Gilbert, Esquire
David M. Caldevilla, Esquire
J. Daniel Clark, Esquire
Guy W. Spicola, Esquire
Stephen A. Ecenia, Esquire
Gregg D. Thomas, Esquire
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