

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ESTHER MORGAN and DAVID MORGAN,	)	
individually and as parents and	)	
natural guardians of MELINDA	)	
MORGAN, a minor,	)	
	)	
Petitioner,	)	
	)	
vs.	)	CASE NO. 95-5802N
	)	
FLORIDA BIRTH-RELATED NEUROLOGICAL	)	
INJURY COMPENSATION ASSOCIATION,	)	
	)	
Respondent.	)	
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FINAL ORDER APPROVING STIPULATION AND JOINT PETITION FOR  
COMPENSATION OF CLAIM ARISING OUT OF FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY PURSUANT TO CHAPTER 766, FLORIDA STATUTES

This cause came on to be heard pursuant to Section 766.304, Florida Statutes, upon the stipulation and joint petition of the parties, filed March 1, 1996, for the entry of an order approving the resolution of a formal claim for compensation benefits heretofore filed in this cause in accordance with the provisions of Chapter 766, Florida Statutes, and a resolution of the exclusive remedy otherwise available as outlined in Chapter 766, Florida Statutes.

By the terms of their stipulation, the parties have agreed that petitioners, Esther Morgan and David Morgan, are the parents and natural guardians of Melinda Morgan (Melinda), a minor, that Melinda was born a live infant on October 25, 1993, at Martin Memorial Hospital, a hospital located in Stuart, Martin County, Florida, and that her birth weight was in excess of 2,500 grams. The parties have further agreed that the physician delivering obstetrical services during the birth of Melinda was Evan Marshall Collins, M.D., who was, at all times material hereto, a participating physician in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by Section 766.302(7), Florida Statutes. Finally, by their stipulation, the parties have agreed that Melinda suffered a "birth-related neurological injury," as that term is defined by Section 766.302(2), Florida

Statutes. The medical records attached to the petition for compensation are consistent with and supportive of the parties' stipulation.

After due consideration of the interests of all parties, and being otherwise fully advised in the premises, it is

ORDERED that:

1. The stipulation of the parties, filed of record March 1, 1996, is hereby approved and the parties are directed to comply with the provisions thereof.

2. Petitioners/claimants, Esther Morgan and David Morgan are, pursuant to Section 766.31(1)(b), Florida Statutes, awarded \$100,000.00, to be disbursed in a manner hereinafter to be agreed to among the parties, subject to the approval of the Hearing Officer.

3. Pursuant to Section 766.31(2), Florida Statutes, respondent shall make immediate payment of all expenses previously incurred and shall pay all future expenses as incurred.

4. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any dispute as to the interpretation of any provision of the parties' stipulation and to resolve any disputes, should they arise, regarding the parties' compliance with the terms of such stipulation.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this 5th day of March 1996.

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WILLIAM J. KENDRICK, Hearing Officer  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-1550  
(904) 488-9675

Filed with the Clerk of the  
Division of Administrative Hearings  
this 5th day of March 1996.

COPIES FURNISHED:  
(By certified mail)

Mr. and Mrs. David Morgan  
8080 S.E. Cross Rip Street  
Hobe Sound, Florida 33455

Lynn Dickinson, Executive Director  
Florida Birth-Related Neurological  
Injury Compensation Association  
1435 Piedmont Drive East, Suite D  
Post Office Box 14567 (32317-4567)  
Tallahassee, Florida 32312

Dr. Evan Marshall Collins  
1027 East Ocean Boulevard  
Stuart, Florida 34996-2576

Martin Memorial Hospital  
Legal Department  
300 Hospital Drive  
Stuart, Florida 33494

Ms. Tanya Williams  
Agency for Health Care Administration  
Division of Health Quality Assurance  
Hospital Section  
2727 Mahan Drive  
Tallahassee, Florida 32308

Ms. Charlene Willoughby  
Department of Business and  
Professional Regulation  
Consumer Services  
1940 North Monroe Street  
Tallahassee, Florida 32399-0784

Dan Sumner, General Counsel  
Department of Insurance  
The Capitol, Plaza Level 11  
Tallahassee, Florida 32399-0300

## NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this final order is entitled to judicial review pursuant to Sections 120.68 and 766.311, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Division of Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the appropriate District Court of Appeal. See, Section 120.68(2), Florida Statutes, and Florida Birth-Related Neurological Injury Compensation Association v. Carreras, 598 So.2d 299 (Fla. 1st DCA 1992). The Notice of Appeal must be filed within 30 days of rendition of the order to be reviewed.