STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

BERTHONY ALDOPHE and ARMANTE DUPUY,)		
as parents and natural guardians of)		
MIXMASE FLORENCE ALDOPHE, a deceased)		
minor,)		
)		
Petitioners,)		
)		
VS.)	Case No. 99-29	01N
)		
FLORIDA BIRTH-RELATED NEUROLOGICAL)		
INJURY COMPENSATION ASSOCIATION,)		
)		
Respondent,)		
)		
and)		
)		
TIMOTHY D. O'LEARY, M.D.; W. ERIC)		
FROHN, M.D.; and ORLANDO REGIONAL)		
HEALTHCARE SYSTEM, INC.,)		
)		
Intervenors.)		
)		

FINAL ORDER OF DISMISSAL WITHOUT PREJUDICE

On August 31, 1999, an order was entered in the abovestyled case which dismissed the Petition (claim) for Benefits.

The order also accorded Petitioners 14 days to file an amended petition which would reflect their election (of remedies) to seek the benefits afforded by the Florida Birth-Related

Neurological Injury Compensation Plan, as opposed to any common law remedy. Finally, the order provided that "should

Petitioners elect not to file an amended petition without prejudice . . . a final order will be entered dismissing the

subject petition without prejudice." To date, Petitioners have not filed an amended petition, and have affirmatively advised the undersigned's office that they do not propose to do so.

Consequently, it is

ORDERED that the Petition (claim) for Benefits Pursuant to Florida Statutes Section 766.301, et seq. is hereby dismissed without prejudice.

DONE AND ORDERED this 24th day of September, 1999, in Tallahassee, Leon County, Florida.

WILLIAM J. KENDRICK
Administrative Law Judge
Division of Administrative Hearings
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Tallahassee, Florida 32399-3060
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Filed with the Clerk of the Division of Administrative Hearings this 24th day of September, 1999.

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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.