

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JOSIE BRUNOT COTHIERE and JOSEPH	)	
COTHIERE, as parents and Co-Personal	)	
Representatives of the Estate of	)	
JOSHUA BRUNOT COTHIERE, a deceased	)	
minor,	)	
	)	
Petitioners,	)	
	)	
vs.	)	Case No. 01-0330N
	)	
FLORIDA BIRTH-RELATED NEUROLOGICAL	)	
INJURY COMPENSATION ASSOCIATION,	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
HOLY CROSS HOSPITAL and TRINITY	)	
MEDICAL CENTER,	)	
	)	
Intervenors.	)	
_____	)	

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 April 26, 2001, 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, Josie Brunot Cothiere and Joseph Cothiere, are the parents and Co-Personal Representatives of the Estate of Joshua Brunot Cothiere (Joshua), a deceased minor; that Joshua was born a live infant on January 27, 1996, at Holy Cross Hospital, a hospital located in Broward County, Florida; and that his birth weight was in excess of 2,500 grams. The parties have further agreed that the physician delivering obstetrical services during the birth of Joshua was Javier Lugo-Janer, 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 Joshua suffered a "birth-related neurological injury," as that term is defined by Section 766.302(2), Florida Statutes.

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 April 26, 2001, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. The Petitioners, Josie Brunot Cothiere and Joseph Cothiere, as the parents of Joshua Brunot Cothiere, a

deceased minor, are accorded a lump sum award of One hundred thousand dollars (\$100,000.00).

3. Upon payment of the lump sum award of One hundred thousand dollars (\$100,000.00) to the parents (claimants), attorney's fees and other expenses of Twelve thousand five hundred dollars (\$12,500.00) incurred in pursuing the subject claim, and payment of past expenses, the claims of the Petitioners (claimants) shall be deemed fully satisfied and extinguished.

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 this 1st day of May, 2001, in Tallahassee, Leon County, Florida.

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WILLIAM J. KENDRICK  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 1st day of May, 2001.

COPIES FURNISHED:  
(By certified mail)

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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.