

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LISA RENEE ELLEN, as parent and	)	
natural guardian of BRANDON M.	)	
ELLEN, a minor,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 01-0331N
	)	
FLORIDA BIRTH-RELATED NEUROLOGICAL	)	
INJURY COMPENSATION ASSOCIATION,	)	
	)	
Respondent.	)	
_____	)	

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 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 Petitioner, Lisa Renee Ellen, is the parent and Co-Personal Representative of the Estate of Brandon M. Ellen (Brandon), a deceased minor; that Brandon was born a live infant on

September 25, 2000, at Columbia Doctors Hospital of Sarasota, a hospital located in Sarasota, Florida; and that his birth weight exceeded 2,500 grams. The parties have further agreed that the physician delivering obstetrical services during the birth of Brandon was Joseph C. Corcoran, D.O.; 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 Brandon 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 March 26, 2001, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioner, Lisa Renee Ellen, as the mother of Brandon M. Ellen, a deceased minor, is accorded a lump sum award of Ninety eight thousand dollars (\$98,000.00).

3. Upon payment of the lump sum award of Ninety eight thousand dollars (\$98,000.00) to the mother, attorney's fees and other expenses of Ten thousand dollars (\$10,000.00) incurred in pursuing the subject claim, and payment of past expenses, the

claims of the Petitioner (claimant) 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 29th day of March, 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 29th day of March, 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.