

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

RANDALL MILLION AND EILEEN )  
MILLION, ON BEHALF OF AND AS )  
PARENTS AND NATURAL GUARDIANS )  
OF SIMEON ELIJAH MILLION, )  
 )  
Petitioners, )  
 )  
vs. ) Case No. 02-2702N  
 )  
FLORIDA BIRTH-RELATED )  
NEUROLOGICAL INJURY )  
COMPENSATION ASSOCIATION, )  
 )  
Respondent, )  
 )  
and )  
 )  
NORTH BROWARD HOSPITAL )  
DISTRICT, d/b/a BROWARD GENERAL )  
MEDICAL CENTER; HARVEY C. ROTH, )  
M.D.; MARK TOMBACK, M.D.; and )  
KAREN J. SACER, C.N.M., )  
 )  
Intervenors. )  
\_\_\_\_\_ )

FINAL ORDER

On August 29, 2006, a Partial Award was entered, which resolved all issues related to an award, except attorney's fees and other expenses incurred in pursuing the claim. With regard to those expenses, the order provided:

By separate order or notice, a hearing will be scheduled to resolve the amount owing for reasonable expenses incurred in connection with the filing of the claim, including

reasonable attorney's fees. Once resolved, an award will be made and a final order issued.

The hearing to resolve the amount owing for attorney's fees and other expenses incurred in pursuing the claim was originally scheduled for November 13 and 14, 2006. However, at the parties' request the hearing was rescheduled for November 27, 2006. In the interim, the parties resolved their dispute, and on November 22, 2006, filed a Stipulation for Settlement of Reasonable Expenses, wherein they agreed that "Petitioners shall receive . . . an award of . . . \$41,600.00, of which \$34,600.00 shall be an attorney's fee to Petitioners' counsel (inclusive of any/all fees owed to both Altom Maglio, Esquire[, ] and Henry T. Courtney, Esquire[, ] and their respective firms), and \$7,000.00 shall be reimbursement of taxable costs, in accordance with § 766.31(1)(c), Florida Statutes."

Given the foregoing, it is

ORDERED that:

1. The parties' Stipulation for Settlement of Reasonable Expenses, filed November 22, 2006, is approved and the parties are directed to comply with the provisions thereof.

2. The Division of Administrative Hearings retains jurisdiction over this matter to enforce all awards.

§ 766.312(1), Fla. Stat.

DONE AND ORDERED this 27th day of November, 2006, in  
Tallahassee, Leon County, Florida.



---

WILLIAM J. KENDRICK  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675 SUNCOM 278-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 27th of November, 2006.

COPIES FURNISHED:

(Via Certified Mail)

David W. Black, Esquire  
Frank, Weinberg & Black, P.L.  
7805 Southwest Sixth Court  
Plantation, Florida 33324  
(Certified Mail No. 7099 3400 0010 4399 2659)

Altom M. Maglio, Esquire  
Maglio, Christopher & Toale Law Firm  
2480 Fruitville Road, Suite 6  
Sarasota, Florida 34237-6223  
(Certified Mail No. 7099 3400 0010 4399 2642)

Henry T. Courtney, Esquire  
Courtney Law Firm  
The Merrick Plaza  
2199 Ponce de Leon Boulevard, Suite 301  
Coral Gables, Florida 33134  
(Certified Mail No. 7099 3400 0010 4399 2635)

Kenney Shipley, Executive Director  
Florida Birth Related Neurological  
Injury Compensation Association  
2360 Christopher Place, Suite 1  
Tallahassee, Florida 32308  
(Certified Mail No. 7099 3400 0010 4399 2628)

Jerome R. Silverburg, Esquire  
Peterson, Bernard, Vandenberg, Zei,  
Geisler & Martin  
Post Office Drawer 14126  
Fort Lauderdale, Florida 33302  
(Certified Mail No. 7099 3400 0010 4399 2611)

North Broward Hospital District  
d/b/a Broward General Medical Center  
1600 South Andrews Avenue  
Fort Lauderdale, Florida 33316  
(Certified Mail No. 7099 3400 0010 4399 2574)

Charlene Willoughby, Director  
Consumer Services Unit - Enforcement  
Department of Health  
4052 Bald Cypress Way, Bin C-75  
Tallahassee, Florida 32399-3275  
(Certified Mail No. 7099 3400 0010 4399 2581)

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 the original of a notice of appeal with the Agency Clerk of the Division of Administrative Hearings and a copy, accompanied by filing fees prescribed by law, with the appropriate District Court of Appeal. See Section 766.311, 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.