

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DONALYN DICKEY and LEONARD)
DICKEY, individually and as)
parents and natural guardians)
of KOBE DICKEY, a minor,)
)
Petitioners,)
)
vs.) Case No. 02-3647N
)
FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)
)
Respondent,)
)
and)
)
PETER C. MCILVEEN; JACK H.)
GERKOVICH, M.D.; and ORLANDO)
REGIONAL HEALTHCARE SYSTEM,)
INC.,)
)
Intervenors.)
_____)

FINAL ORDER OF DISMISSAL WITHOUT PREJUDICE

This cause came on for consideration of Intervenors' Motion for Involuntary Dismissal, served October 23, 2003, and the Order to Show Cause, entered November 7, 2003.

Intervenors' Motion for Involuntary Dismissal requested that the Petition for Benefits be dismissed without prejudice based on Petitioners' failure to comply with an order, entered September 26, 2003, granting Intervenors' Motion to Compel

Discovery and ordering Petitioners to respond to such discovery within 10 days of the date of the order.

Petitioners did not respond to Intervenors' Motion for Involuntary Dismissal, and on November 7, 2003, an Order to Show Cause was entered, which provided as follows:

On October 23, 2003, Intervenors served a Motion for Involuntary Dismissal of Petitioners' claim without prejudice. A copy of such motion is attached hereto. To date, neither Petitioner has responded to the motion. Rule 28-106.204(4), Florida Administrative Code. Accordingly, it is

ORDERED that within 10 days of the date of this order, Petitioners show cause in writing, if any they can, why the relief requested by Intervenors should not be granted.

To date, neither Petitioner has responded to the Motion for Involuntary Dismissal or the Order to Show Cause. Accordingly, it is

ORDERED that Intervenors' Motion for Involuntary Dismissal without prejudice is granted, and the Petition for Benefits is dismissed without prejudice.

DONE AND ORDERED this 24th day of November, 2003, in
Tallahassee, Leon County, Florida.



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 24th day of November, 2003.

COPIES FURNISHED:

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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 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.