

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

GHENAILE WHITE, on behalf of	)	
and a parent and natural	)	
guardian of CEDRIC WHITE, a	)	
minor,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 03-0808N
	)	
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<sup>1</sup>

This cause came on to be heard pursuant to Section 766.304, upon the Stipulation and Joint Petition of the parties, filed October 27, 2003, 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, and a resolution of the exclusive remedy otherwise available as outlined in Chapter 766.

By the terms of their stipulation, the parties have agreed that Petitioner, Ghenaile White, is the parent and natural guardian of Cedric White (Cedric), a minor; that Cedric was born a live infant on March 4, 2002, at Parkway Regional Medical

Center, a hospital located in Dade 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 Cedric was Louis Gutierrez, 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). Finally, by their stipulation, the parties have agreed that Cedric suffered a "birth-related neurological injury," as that term is defined by Section 766.302(2).

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 October 27, 2003, is approved, and the parties are directed to comply with the provisions thereof.

2. Petitioner, Ghenaile White, as the parent and natural guardian of Cedric White, is accorded an award of One hundred thousand dollars (\$100,000.00), pursuant to Section 766.31(1)(b), to be used for purposes consistent with the terms of the parties' stipulation.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00) to the parent, payment of past expenses, and payment of attorney's fees and other expenses of Ten

thousand five hundred dollars (\$10,500.00) incurred in connection with the filing of the claim, the claim of Petitioner (claimant) shall be deemed fully satisfied and extinguished, except to the extent of Respondent's continuing obligation under the provisions of Section 766.31, to pay future expenses as incurred.

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 October, 2003, 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 October, 2003.

ENDNOTE

1/ All citations are to Florida Statutes (2002) unless otherwise indicated.

COPIES FURNISHED:

(via 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 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.