

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MEGAN MARTIN AND STEPHEN)	
MARTIN, as parents and natural)	
guardians of DYLAN MARTIN, a)	
minor,)	
)	
Petitioners,)	
)	
vs.)	Case No. 03-1711N
)	
FLORIDA BIRTH-RELATED)	
NEUROLOGICAL INJURY)	
COMPENSATION ASSOCIATION,)	
)	
Respondent,)	
)	
and)	
)	
SOUTH BROWARD HOSPITAL)	
DISTRICT, d/b/a MEMORIAL)	
HOSPITAL WEST, and EMILIO)	
JUNCOSA, M.D. and WOMEN'S)	
HEALTHCARE PARTNERS,)	
)	
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 August 11, 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, 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, Megan Martin and Stephen Martin, are the parents and natural guardians of Dylan Martin (Dylan), a deceased minor; that Dylan was born a live infant on April 1, 2000, at Memorial Hospital West, a hospital located in Pembroke Pines, 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 Dylan was Nigel Spier, M.D., who, at all times material hereto, was 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 Dylan 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 August 11, 2003, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Megan Martin and Stephen Martin, as the parents and natural guardians of Dylan Martin, a deceased minor,

are accorded a lump sum award of One hundred thousand dollars (\$100,000.00), and One thousand five hundred dollars (\$1,500.00) for funeral expenses.

3. Upon payment of the lump sum award of One hundred thousand dollars (\$100,000.00) to the parents (claimants), One thousand five hundred dollars (\$1,500.00) for funeral expenses, attorney's fees and other expenses of Ten thousand five hundred dollars (\$10,500.00) incurred in pursuing the subject claim, and payment of past expenses, the claims of 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 15th day of August, 2003, 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 15th day of August, 2003.

COPIES FURNISHED:
(by certified mail)

William C. Ruggiero, Esquire
200 East Broward Boulevard, Suite 1100
Fort Lauderdale, Florida 33301

Kenney Shipley, Executive Director
Florida Birth-Related Neurological
Injury Compensation Association
1435 Piedmont Drive, East, Suite 101
Post Office Box 14567
Tallahassee, Florida 32312

George E. Bunnell, Esquire
Bunnell, Woulfe, Kirschbaum, Keller,
McIntyre & Gregoire, P.A.
888 East Las Olas Boulevard, Suite 400
Fort Lauderdale, Florida 33301

William F. Fink, Esquire
Wicker, Smith, O'Hara, McCoy,
Graham & Ford, P.A.
Grove Plaza, 5th Floor
2900 Southwest 28th Terrace
Miami, Florida 33133

Nigel Spier, M.D.
3700 Washington Street, Suite 300
Hollywood, Florida 33021

Emilio J. Juncosa, M.D.
601 Flamingo Road, Suite 411
Pembroke Pines, Florida 33028

Helen A. Han, M.D.
601 Flamingo Road, Suite 411
Pembroke Pines, Florida 33028

Memorial Hospital West
703 Flamingo Road
Pembroke Pines, Florida 33028

Ms. Charlene Willoughby
Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, Florida 32399-3275

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.