

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CHERYL L. VAUGHN, on behalf of)
and as parent and natural)
guardian of ALEXI L. VAUGHN, a)
deceased minor,)
)
Petitioner,)
)
vs.) Case No. 04-1648N
)
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,
AND JOINT STIPULATION AS TO PAYMENT TO PETITIONER'S COUNSEL OF
ATTORNEY'S FEES AND COSTS ASSOCIATED WITH FILING CLAIM FOR
COMPENSATION UNDER THE FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY
COMPENSATION PLAN

This cause came on to be heard pursuant to Sections 766.304 and 766.305(6), Florida Statutes, upon the Stipulation and Joint Petition for Compensation of Claim, filed October 25, 2004, and Joint Stipulation as to Payment to Petitioner's Counsel of Attorney's Fees and Costs, filed October 25, 2004, wherein the parties request 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, Cheryl L. Vaughn, is the parent and natural guardian of Alexi L. Vaughn (Alexi), a deceased minor; that Alexi was born a live infant on January 24, 2003, at Shands at Lake Shore, a hospital located in Lake City, Columbia County, Florida; and that Alexi's birth weight exceeded 2,500 grams. The parties have further agreed that obstetrical services were provided by Joseph M. Charles, Jr., M.D., during Alexi's birth, and that Dr. Charles 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 Alexi 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 stipulations of the parties, filed October 25, 2004, are hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioner, Cheryl L. Vaughn, as the parent of Alexi Vaughn, a deceased minor, is awarded One hundred thousand dollars (\$100,000.00), pursuant to Section 766.31(1)(b), Florida Statutes, to be paid in lump sum.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00) to the parent (claimant), a death benefit of Ten thousand dollars (\$10,000.00), attorney's fees and other expenses of Ten thousand five hundred dollars (\$10,500.00), and past expenses, the claims of 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' stipulations and to resolve any disputes, should they arise, regarding the parties' compliance with the terms of those stipulations and this Final Order.

DONE AND ORDERED this 26th day of October, 2004, 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 26th day of October, 2004.

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.