

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TAMECA HARRIS on behalf of and)	
parent and natural guardian of)	
ASHANTI HARRIS, a minor,)	
)	
Petitioner,)	
)	
vs.)	Case No. 04-2762N
)	
FLORIDA BIRTH-RELATED)	
NEUROLOGICAL INJURY)	
COMPENSATION ASSOCIATION,)	
)	
Respondent,)	
)	
and)	
)	
FLORIDA HOSPITAL DELAND,)	
HUSSAIN ESMAIL-RAWJI, M.D., and)	
VOLUSIA COUNTY HEALTH)	
DEPARTMENT,)	
)	
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 Sections 766.304 and 766.305(6), Florida Statutes, upon the stipulation and joint petition of the Petitioner and Respondent, filed January 5, 2005, 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, and the letter of January 10, 2005, filed on behalf of Intervenor Hussain Esmail-Rawji, M.D., and Volusia County Health Department, and the letter of January 12, 2005, filed on behalf of Intervenor Florida Hospital Deland, announcing that they have no objection to the approval of Petitioner's and Respondent's stipulation.

By the terms of their stipulation, the Petitioner and Respondent have agreed that Petitioner, Tameca Harris, is the parent and natural guardian of Ashanti Harris (Ashanti), a minor; that Ashanti was born a live infant on October 9, 2002, at Florida Hospital Deland, a hospital located in Deland, Florida; and that her birth weight exceeded 2,500 grams. The parties have further agreed that the physician delivering obstetrical services during the birth of Ashanti was Hussain Esmail-Rawji, 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 Ashanti 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 January 5, 2005, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioner, Tameca Harris, as the parent of Ashanti Harris, a minor, is accorded an award of One hundred thousand dollars (\$100,000.00), pursuant to Section 766.31(1)(b), Florida Statutes, 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 (claimant), and past expenses, the claims 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 14th day of January, 2005, 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 14th day of January, 2005.

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.