

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ANGELA H. PHILLIPS AND JOHN L. )  
PHILLIPS, individually and as )  
Personal Representatives of the )  
Estate of ALLISON MIRANDA )  
PHILLIPS, a minor, deceased, )  
)  
    Petitioners, )  
)  
vs. ) Case No. 05-1915N  
)  
FLORIDA BIRTH-RELATED )  
NEUROLOGICAL INJURY )  
COMPENSATION ASSOCIATION, )  
)  
    Respondent, )  
)  
and )  
)  
BAPTIST MEDICAL CENTER OF THE )  
BEACHES, INC. and PATRICIA A. )  
SCHROEDER, M.D., )  
)  
    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(7), Florida Statutes, upon the stipulation and joint petition of the parties, filed November 14, 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.

By the terms of their stipulation, the parties have agreed that Petitioners, Angela H. Phillips and John L. Phillips, are the parents and natural guardians of Allison Miranda Phillips (Allison), a deceased minor; that Allison was born a live infant on July 6, 2002, at Baptist Medical Center-Beaches, a hospital located in Jacksonville, Florida; and that her birth weight exceeded 2,500 grams. The parties have further agreed that the physician delivering obstetrical services at Allison's birth was Patricia Schroeder, 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 Allison 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 and joint petition of the parties, filed November 14, 2005, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Angela H. Phillips and John L. Phillips, as the parents of Allison Miranda Phillips, a deceased minor, are awarded One hundred thousand dollars (\$100,000.00), pursuant to Section 766.31(1)(b)1., Florida Statutes, to be paid in lump sum.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00), a death benefit of Ten thousand dollars (\$10,000.00), attorney's fees and other expenses of Ten thousand dollars (\$10,000.00), and 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 and this order.

DONE AND ORDERED this 16th day of November, 2005, 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 16th day of November, 2005.

COPIES FURNISHED:

(Via certified mail)

Kenney Shipley, Executive Director  
Florida Birth Related Neurological  
Injury Compensation Association  
2360 Christopher Place, Suite 1  
Tallahassee, Florida 32308  
(Certified Mail No. 7099 3400 0010 4399 5445)

Chad S. Roberts, Esquire  
Spohrer Wilner Maxwell & Matthews, P.A.  
701 West Adams Street, Suite 2  
Jacksonville, Florida 32204  
(Certified Mail No. 7099 3400 0010 4399 5438)

Michael H. Harmon, Esquire  
Smith, Hulsey & Busey  
225 Water Street, Suite 1800  
Jacksonville, Florida 32202  
(Certified Mail No. 7099 3400 0010 4399 5421)

Mary Bland Love, Esquire  
Gobelman, Love, Gavin,  
Blazs & Wasilenko  
815 South Main Street, Suite 300  
Jacksonville, Florida 32207  
(Certified Mail No. 7099 3400 0010 4399 5377)

Baptist Medical Center-Beaches  
1350 13th Avenue South  
Jacksonville Beach, Florida 32250  
(Certified Mail No. 7099 3400 0010 4399 5407)

Patricia A. Schroeder, M.D.  
North Florida Obstetrical  
& Gynecological Associates, P.A.  
1370 13th Avenue South, Suite 118  
Jacksonville Beach, Florida 32250  
(Certified Mail No. 7099 3400 0010 4399 5391)

Charlene Willoughby, Director  
Consumer Services Unit - Enforcement  
Department of Health  
4052 Bald Cypress Way, Bin C-75  
Tallahassee, Florida 32399-3275  
(Certified Mail No. 7099 3400 0010 4399 5384)

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.