

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ELIZABETH BONILLA AND RICHARD)
BONILLA, individually and as)
parents and natural guardians)
of their minor child, RICHARD)
BONILLA,)
)
)
Petitioners,)
)
vs.) Case No. 05-4161N
)
)
FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)
)
)
Respondent.)
_____)

FINAL ORDER APPROVING REVISED 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 revised stipulation and joint petition of the parties, filed May 1, 2006, 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 revised stipulation, the parties have agreed that Petitioners, Richard Bonilla and Elizabeth Bonilla, are the parents and legal guardians of Richard Bonilla

(Richard), a minor; that Richard was born a live infant on May 7, 2004, at Memorial Regional Hospital, a hospital located in Hollywood, Florida; and that Richard's birth weight exceeded 2,500 grams. The parties have further agreed that the physician delivering obstetrical services at Richard's birth was Mitchell Grabois, 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 revised stipulation, the parties have agreed that Richard 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 revised stipulation and joint petition of the parties, filed May 1, 2006, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Richard Bonilla and Elizabeth Bonilla, as the parents of Richard Bonilla, a minor, are 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), attorney's fees and other expenses of Ten

thousand five hundred dollars (\$10,500.00), and past expenses, the claims of Petitioners (claimants) shall be deemed fully satisfied and extinguished, except to the extent of Respondent's continuing obligation under the provisions of Section 766.31, Florida Statutes, 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' revised stipulation and to resolve any disputes, should they arise, regarding the parties' compliance with the terms of such revised stipulation and this order.

DONE AND ORDERED this 2nd day of May, 2006, 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 2nd day of May, 2006.

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.

