

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

LUZ M. CHACON AND RONY E.)
REYES, as co-personal)
representatives of the estate)
of JASMINE ALEJANDRA REYES and)
individually, as surviving)
mother and father,)
respectively, of their decedent)
child, JASMINE ALEJANDRA REYES,)
)
 Petitioners,)
)
vs.) Case No. 06-0804N
)
FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)
)
 Respondent,)
)
and)
)
RICHARD M. STRASSBERG, M.D.;)
JERRY M. GILLES, M.D.; SALIH Y.)
YASIN, M.D.; and PUBLIC HEALTH)
TRUST OF MIAMI-DADE COUNTY,)
)
)
 Intervenors.)
_____)

FINAL ORDER APPROVING STIPULATION AND JOINT PETITION FOR
COMPENSATION OF CLAIM AND AMENDMENT TO 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 September 22, 2006, and amendment to stipulation and joint petition of the parties, filed

September 28, 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 stipulation the parties have agreed that Petitioners, Luz M. Chacon and Rony E. Reyes, are the parents of Jasmine Alejandra Reyes (Jasmine), a deceased minor; that Jasmine was born a live infant on November 1, 2002, at Jackson Memorial Hospital, a hospital located in Miami, Florida; and that Jasmine's birth weight exceeded 2,500 grams. The parties have further agreed that the physicians delivering obstetrical services at Jasmine's birth were Richard M. Strassberg, M.D., Jerry M. Gilles, M.D., and Saliah Y. Yasin, M.D., who, at all times material hereto, were "participating physician[s]" 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 Jasmine 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 September 22, 2006, and amendment to stipulation and joint petition, filed September 28, 2006, are hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Luz M. Chacon and Rony E. Reyes, as the parents of Jasmine Alejandra Reyes, a deceased minor, are awarded One hundred thousand dollars (\$100,000.00), pursuant to Section 766.31(1)(b)1., Florida Statutes, and a death benefit of Ten thousand dollars (\$10,000.00), pursuant to Section 766.31(1)(b)2., 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 Nine thousand eight hundred thirty six dollars and forty cents (\$9,836.40), 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 amendment to stipulation, and to resolve any disputes, should they arise, regarding the parties' compliance with the terms of such stipulation, amendment to stipulation, and this order.

DONE AND ORDERED this 6th day of October, 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 6th day of October, 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.