

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ROSALIN TROUPE, ON BEHALF OF	)	
AND AS PARENT AND NATURAL	)	
GUARDIAN OF KAYLA GRAYSON, A	)	
MINOR,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 06-0923N
	)	
FLORIDA BIRTH-RELATED	)	
NEUROLOGICAL INJURY	)	
COMPENSATION ASSOCIATION,	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
ORLANDO REGIONAL HEALTHCARE	)	
SYSTEM, INC., d/b/a ORLANDO	)	
REGIONAL SOUTH SEMINOLE	)	
HOSPITAL, WILLIE B. NEWMAN,	)	
M.D., and NEWMAN CENTER FOR	)	
WOMEN, PL,	)	
	)	
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 in four counterparts on September 17, 2007 (by Intervenors Willie B. Newman, M.D., and Newman Center for Woman, PL), on September 19, 2007 (by Intervenor Orlando Regional Healthcare System, Inc., d/b/a South

Seminole Hospital), on September 19, 2007 (by Petitioner), and on September 20, 2007 (by Respondent), 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.<sup>1</sup>

By the terms of their stipulation, the parties have agreed that Petitioner, Rosalin Troupe, is the parent and natural guardian of Kayla Grayson (Kayla), a minor; that Kayla was born a live infant on October 27, 2005, at Orlando Regional South Seminole Hospital, a hospital located in Longwood, Florida; and that Kayla's birth weight exceeded 2,500 grams. The parties have further agreed that the physician delivering obstetrical services at Kayla's birth was Willie B. Newman, 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 Kayla 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 in counterparts on September 17, 19, and 20, 2007, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioner, Rosalin Troupe, as the parent and natural guardian of Kayla Grayson, a 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), 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(2), 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' 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 21st day of September, 2007, in  
Tallahassee, Leon County, Florida.



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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 21st day of September, 2007.

ENDNOTE

1/ At paragraph 22 of the their stipulation, the parties agreed  
"that this Joint Petition and Stipulation may be executed and  
filed with the Division of Administrative Hearings in one or  
more counterparts, each of which shall be deemed an original but  
also which together will constitute one and the same  
instrument."

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.