

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

KATHLEEN MCEACHERN-WALKER AND )  
MICHAEL TODD WALKER, )  
INDIVIDUALLY AND AS PERSONAL )  
REPRESENTATIVES OF THE ESTATE )  
OF MICHAEL TODD WALKER, JR., )  
DECEASED, )  
 )  
Petitioners, )  
 )  
vs. ) Case No. 06-4660N  
 )  
FLORIDA BIRTH-RELATED )  
NEUROLOGICAL INJURY )  
COMPENSATION ASSOCIATION, )  
 )  
Respondent, )  
 )  
and )  
 )  
JAMES E. MAHER, M.D., )  
 )  
Intervenor. )  
 )  
\_\_\_\_\_ )

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 January 17, 2007, 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, Kathleen McEachern-Walker and Michael Todd Walker, are the parents and legal guardians of Michael Todd Walker, Jr. (Michael), a deceased minor; that Michael was born a live infant on November 21, 2001, at Santa Rosa Medical Center, a hospital located in Milton, Florida; and that Michael's birth weight exceeded 2,500 grams. The parties have further agreed that the physicians delivering obstetrical services at Michael's birth were James Maher, M.D. and Dina Navarro, 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 Michael 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 January 17, 2007, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Kathleen McEachern-Walker and Michael Todd Walker, as the parents of Michael Todd Walker, Jr., 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 Ten thousand five hundred dollars (\$10,500.00), 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 18th day of January, 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 18th day of January, 2007.

COPIES FURNISHED:

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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.