## STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

KRISTEN CRUZ AND CHRISTOPHER	)		
CRUZ, ON BEHALF OF AND AS	)		
PARENTS AND NATURAL GUARDIANS	)		
OF CAYDEN CRUZ, A MINOR,	)		
	)		
Petitioners,	)		
	)		
vs.	)	Case No.	06-4788N
	)		
FLORIDA BIRTH-RELATED	)		
NEUROLOGICAL INJURY	)		
COMPENSATION ASSOCIATION,	)		
	)		
Respondent,	)		
	)		
and	)		
	)		
SCOTT BRODY, 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 May 9, 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, Kristen Cruz and Christopher Cruz, are the parents and legal quardians of Cayden Cruz (Cayden), a minor; that Cayden was born a live infant on June 8, 2006, at Saint Luke's Hospital, a hospital located in Duval County, Florida; and that Cayden's birth weight exceeded 2,500 grams. The parties have further agreed that the health care providers delivering obstetrical services at Cayden's birth were Scott Brody, M.D., and Shirley Ann Collins, ARNP, 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 Cayden 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 May 9, 2007, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Kristen Cruz and Christopher Cruz, as the parents of Cayden Cruz, a minor, are awarded One hundred thousand dollars (\$100,000.00), pursuant to Section

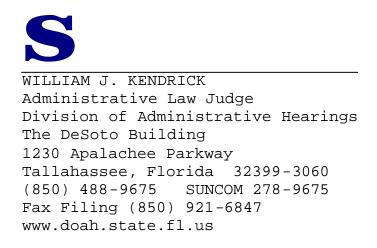
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766.31(1)(b), Florida Statutes, to be used for purposes consistent with the terms of the parties' stipulation.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00), 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(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 11th day of May, 2007, in Tallahassee, Leon County, Florida.



Filed with the Clerk of the Division of Administrative Hearings this 11th day of May, 2007. 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. 7003 1010 0001 2044 5040) Christopher Cruz Kristen Cruz 5681 Edenfield Road, Apt. 1303 Jacksonville, Florida 32277 (Certified Mail No. 7003 1010 0001 2044 5057) Francis E. Pierce, III, Esquire Cooney, Mattson, Lance, Blackburn, Richards & O'Connor, P.A. 111 North Orange Avenue, Suite 850 Post Office Box 4850 Orlando, Florida 32801 (Certified Mail No. 7003 1010 0001 2044 5064) Charlene Willoughby, Director Consumer Services Unit, Enforcement Department of Health 4052 Bald Cypress Way, Bin C75 Tallahassee, Florida 32399-3275 (Certified Mail No. 7003 1010 0001 2044 5071) Scott Brody, M.D. Scott Brody, M.D., P.A. 800 Prudential Drive Jacksonville, Florida 32207 (Certified Mail No. 7003 1010 0001 2044 5088) Shirley Collins, ARNP 1375 Roberts Drive, No. 205 Jacksonville Beach, Florida 32250 (Certified Mail No. 7003 1010 0001 2044 5118)

St. Luke's Hospital
4201 Belfort Road
Jacksonville, Florida 32216
(Certified Mail No. 7003 1010 0001 2044 5101)

## 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. <u>See</u> Section 766.311, Florida Statutes, and <u>Florida Birth-Related Neurological Injury</u> <u>Compensation Association v. Carreras</u>, 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.