

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BERTHENIA PARKER, ON BEHALF OF)
AND AS MOTHER AND PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
MARLIYAH SHADEJA PARKER, A)
DECEASED MINOR,)

Petitioner,)

vs.)

Case No. 07-0945N

FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)

Respondent,)

and)

BOARD OF TRUSTEES OF THE)
UNIVERSITY OF SOUTH FLORIDA,)
COLLEGE OF MEDICINE and TAMPA)
GENERAL HOSPITAL,)

Intervenors.)

FINAL ORDER APPROVING AMENDED STIPULATION AND JOINT PETITION
FOR COMPENSATION OF CLAIM ARISING OUT OF FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY PURSUANT TO CHAPTER 766, FLORIDA STATUTES,
AND AMENDMENT TO PARAGRAPH 12. a) OF THE AMENDED
STIPULATION AND JOINT PETITION FOR COMPENSATION OF CLAIM

This cause came on to be heard pursuant to Sections 766.304
and 766.305(7), Florida Statutes, upon the Amended Stipulation
and Joint Petition of the parties, filed June 26, 2007, and the
amendment to paragraph 12. a) of the Amended Stipulation and
Joint Petition, filed July 3, 2007.

By the terms of their Amended Stipulation and amendment to paragraph 12. a) of the Amended Stipulation (hereinafter "Stipulation"), the parties have agreed that Petitioner, Berthenia Parker, is the parent and legal guardian of Marliyah Shadeja Parker (Marliyah), a deceased minor; that Marliyah was born a live infant on May 18, 2005, at Tampa General Hospital, a hospital located in Tampa, Florida; and that Marliyah's birth weight exceeded 2,500 grams. The parties have further agreed that the physician delivering obstetrical services at Marliyah's birth was Joan McCarthy, 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 Marliyah 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 Amended Stipulation and Joint Petition of the parties, filed June 26, 2007, and the amendment to paragraph 12. a) of the Amended Stipulation and Joint Petition, filed July 3, 2007, are hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioner, Berthenia Parker, as the parent of Marliyah Shadeja Parker, a deceased minor, is 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), and attorney's fees and other expenses of Ten thousand five hundred dollars (\$10,500.00), the claims of Petitioner (claimant) 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 Final Order.

DONE AND ORDERED this 3rd day of July, 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 3rd day of July, 2007.

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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.