



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 Marlene Zephir and Charlston Mathurin are the parents and legal guardians of Chanel Mathurin (Chanel), a deceased minor; that Chanel was born a live infant on September 29, 2006, at Jackson Memorial Hospital, a "hospital" as defined by Section 766.302(6), Florida Statutes, located in Miami, Florida; and that Chanel's birth weight exceeded 2,500 grams. The parties have further agreed that Jerry Giles, M.D., and Salih Y. Yasin, M.D., delivered obstetrical services at Chanel's birth, and 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 Chanel 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 June 9, 2008, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Marlene Zephir and Charlston Mathurin, as the parents and legal guardians of Chanel Mathurin, 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, all 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 Nineteen thousand four hundred ninety-eight dollars and seventy-five cents (\$19,498.75), 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 disputes should they arise, regarding the parties' compliance with the terms of this Final Order.

DONE AND ORDERED this 10th day of June, 2008, in  
Tallahassee, Leon County, Florida.



---

WILLIAM J. KENDRICK  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675 SUNCOM 278-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 10th day of June, 2008.

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. 7005 1820 0002 9840 9032)

William M. Chapman, Esquire  
Downs, Brill, Whitehead  
1201 US Highway One, Suite 403  
North Palm Beach, Florida 33408  
(Certified Mail No. 7005 1820 0002 9840 9049)

James D. DeChurch, Esquire  
Fowler, White, Burnett, P.A.  
Espirito Santo Plaza, 14th Floor  
1395 Brickell Avenue  
Miami, Florida 33131-3302  
(Certified Mail No. 7005 1820 0002 9840 9056)

Stephen A. Stieglitz, Esquire  
Miami-Dade County Attorney  
Metro-Dade Center  
111 Northwest First Street, Suite 2800  
Miami, Florida 33124-1993  
(Certified Mail No. 7005 1820 0002 9840 9063)

Charlene Willoughby, Director  
Consumer Services Unit - Enforcement  
Department of Health  
4052 Bald Cypress Way, Bin C-75  
Tallahassee, Florida 32399-3275  
(Certified Mail No. 7005 1820 0002 9840 9070)

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.