

By the terms of their stipulation, the parties have agreed that Fatima Cruz and Michael Quinn, are the parents and legal guardians of Joshua Isiah Quinn (Joshua), a minor; that Joshua was born a live infant on July 1, 2005, at St. Mary's Medical Center, a "hospital" as defined by Section 766.302(6), Florida Statutes, located in West Palm Beach, Florida; and that Joshua's birth weight exceeded 2,500 grams. The parties have further agreed that Felix Andarsio, Jr., M.D., delivered obstetrical services at Joshua's birth, and 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 Joshua 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 July 10, 2008, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Fatima Cruz and Michael Quinn, as the parents and legal guardians of Joshua Isiah Quinn, a minor, are awarded One hundred thousand dollars (\$100,000.00), pursuant to

Section 766.31(1)(b)1., 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), attorney's fees and other expenses of Eight thousand one hundred seventy-two dollars and thirty-three cents (\$8,172.33), and past expenses, the claims of Petitioners (Claimants) shall be deemed fully satisfied and extinguished, except for Respondent's continuing obligation under 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 disputes should they arise, regarding the parties' compliance with the terms of this Final Order.

DONE AND ORDERED this 11th day of July, 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 11th day of July, 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 8844)

Paul M. Silva, Esquire
Glenn, Somera & Silva
212 North Federal Highway
Deerfield Beach, Florida 33441
(Certified Mail No. 7005 1820 0002 9840 8851)

Adam W. Rhys, Esquire
Wicker, Smith, O'Hara, McCoy & Ford, P.A.
Post Office Box 2508
West Palm Beach, Florida 33402
(Certified Mail No. 7005 1820 0002 9840 8868)

David W. Black, Esquire
Frank, Weinberg & Black, P.L.
7805 Southwest Sixth Court
Plantation, Florida 33324
(Certified Mail No. 7005 1820 0002 9840 8875)

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 8882)

Felix Andarsio, Jr., M.D.
1397 State Road 7, No. 440
Wellington, Florida 33414
(Certified Mail No. 7005 1820 0002 9840 8899)

St. Mary's Medical Center
901 45th Street
West Palm Beach, Florida 33407
(Certified Mail No. 7005 1820 0002 9840 8905)

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.