

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RALPH SANTIAGO, a/k/a RALPH)
SANTIAGO RUIZ, AND VICTORIA)
SANTIAGO, a/k/a VICTORIA)
ALEJANDRA ILLESCAS, ON BEHALF)
OF AND AS PARENTS AND NATURAL)
GUARDIANS OF DESTINY DESIRE)
SANTIAGO, a/k/a DESTINY DESIRE)
SANTIAGO ILLESCAS, DECEASED,)
)
Petitioners,)
)
vs.) Case No. 08-3283N
)
FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)
)
Respondent.)
)
_____)

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 February 24, 2009, 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 Ralph Santiago and Victoria Santiago are the parents and natural guardians of Destiny Desire Santiago Illescas (Destiny), a deceased minor; that Destiny was born a live infant on November 15, 2007, at Baptist Medical Center of the Beaches, a "hospital" as defined by Section 766.302(6), Florida Statutes, located in Jacksonville, Florida; that Destiny's birth weight exceeded 2,500 grams; and that Destiny died November 15, 2007. The parties have further agreed that Meridith Johnson Farrow, M.D., delivered obstetrical services at Destiny'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 Destiny 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 February 24, 2009, is hereby approved, and the parties are directed to comply with the provisions thereof.
2. Petitioners, Ralph Santiago and Victoria Santiago, as the parents and natural guardians of Destiny Desire Santiago

Illescas, 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. Petitioners are further awarded attorney's fees and other expenses of Ten Thousand eight hundred eleven dollars and forty cents (\$10,811.40), pursuant to Section 766.31(1)(c), Florida Statutes. No award is made for past expenses, as none are owing, and no provision is made for the payment of future expenses, as Destiny is deceased. § 766.31(1)(a) and (2), Fla. Stat.

4. 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 eight hundred eleven dollars and forty cents (\$10,811.40), the claims of Petitioners (Claimants) shall be deemed fully satisfied and extinguished.

5. 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.

6. The hearing scheduled for March 4, 2009, is cancelled.

DONE AND ORDERED this 25th day of February, 2009, in
Tallahassee, Leon County, Florida.



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 25th day of February, 2009.

COPIES FURNISHED:
(Via certified mail)

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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.