

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ROLAND VALCIN AND WILGUINE )  
DESSALINES-VALCIN, AS PARENTS )  
AND NATURAL GUARDIANS OF EMMA )  
TRINI VALCIN, DECEASED, MINOR, )  
 )  
Petitioners, )  
 )  
vs. ) Case No. 09-0122N  
 )  
FLORIDA BIRTH-RELATED )  
NEUROLOGICAL INJURY )  
COMPENSATION ASSOCIATION, )  
 )  
Respondent, )  
 )  
and )  
 )  
MARTIN MEMORIAL MEDICAL CENTER, )  
INC., )  
 )  
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 April 27, 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 Ronald Valcin and Wilguine Dessalines-Valcin are the parents and natural guardians of Emma Trini Valcin (Emma), a deceased minor; that Emma was born a live infant on January 10, 2008, at Martin Memorial Medical Center, a "hospital" as defined by Section 766.302(6), Florida Statutes, located in Stuart, Florida; that Emma's birth weight exceeded 2,500 grams; and that Emma died January 18, 2008. The parties have further agreed that Robert Pare, Jr., M.D., delivered obstetrical services at Emma'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 Emma 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 April 27, 2009, is hereby approved, and the parties are directed to comply with the provisions thereof.
2. Petitioners, Roland Valcin and Wilguine Dessalines-Valcin, as the parents and natural guardians of Emma Trini

Valcin, 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), and attorney's fees and other expenses of Eleven thousand six hundred sixty-eight dollars and fifty-one cents (\$11,668.51), and past expenses, the claims of Petitioners (Claimants) shall be deemed fully satisfied and extinguished. No provision is made for the payment of future expenses, as Emma is deceased.

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 29th day of April, 2009, in  
Tallahassee, Leon County, Florida.



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

Filed with the Clerk of the  
Division of Administrative Hearings  
this 29th day of April, 2009.

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. 7008 3230 0001 6307 9166)

Jeffrey M. Fenster, Esquire  
Fenster, Cohen & Sobol, P.A.  
1391 Sawgrass Corporate Parkway  
Sunrise, Florida 33323  
(Certified Mail No. 7008 3230 0001 6307 9173)

Scott H. Michaud, Esquire  
Michaud, Buschmann, Fox,  
Ferrara & Mittelmark  
621 Northwest 53rd Street, Suite 420  
Boca Raton, Florida 33487  
(Certified Mail No. 7008 3230 0001 6307 9180)

Charlene Willoughby, Director  
Consumer Services Unit - Enforcement  
Department of Health  
4052 Bald Cypress Way, Bin C-75  
Tallahassee, Florida 32399-3275  
(Certified Mail No. 7008 3230 0001 6307 9197)

Dr. Robert Henry Pare, Jr.  
3498 Northwest Federal Highway  
Jensen Beach, Florida 34967  
(Certified Mail No. 7008 3230 0001 6307 9203)

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.