

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

MARIE LUNE LAFOSSE AND MOISES )  
LAFOSSE, ON BEHALF OF AND AS )  
PARENTS AND NATURAL GUARDIANS )  
OF GASHLEY LAFOSSE, A MINOR, )  
 )  
Petitioners, )  
 )  
vs. )  
 )  
FLORIDA BIRTH-RELATED )  
NEUROLOGICAL INJURY )  
COMPENSATION ASSOCIATION, )  
 )  
Respondent, )  
 )  
and )  
 )  
GENE BURKETT, M.D. and JANICE )  
M. MOSCOSO, M.D., )  
 )  
Intervenors. )  
 )

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Case No. 09-5978N

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 for consideration pursuant to Sections 766.304 and 766.305(7), Florida Statutes, upon the Stipulation and Joint Petition of the parties, filed February 26, 2010, 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 Petitioners, Marie Lune Lafosse and Moises Lafosse, are the parents and legal guardians of Gashley Lafosse (Gashley), a minor; that Gashley was born a live infant on or about February 24, 2006, at Jackson Memorial Hospital, a "hospital," as defined by Section 766.302(6), Florida Statutes; and that Gashley's birth weight exceeded 2,500 grams. The parties have further agreed that Gene Burkett, M.D., Johnathan Bratter, D.O., Maria Camille Hoffman, M.D., and Janice M. Moscosco, M.D., delivered obstetrical services at Gashley's birth, and at all times material, Gene Burkett, M.D., 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 Gashley 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 filed February 26, 2010, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Marie Lune Lafosse and Moises Lafosse, as the parents and legal guardians of Gashley Lafosse, a minor, are awarded One Hundred Thousand Dollars (\$100,000.00), pursuant to Section 766.31(1)(b), Florida Statutes, to be paid in lump sum.

3. Upon payment of the award of One Hundred Thousand dollars (\$100,000.00), agreed attorney's fees of Fifteen Thousand Dollars (\$15,000.00) and other expenses of One Thousand Nine Hundred Thirty-Six Dollars and Sixty Cents (\$1,936.60), totaling Sixteen Thousand, Nine Hundred Thirty-Six Dollars and Sixty Cents (\$16,936.60), and past expenses under the provisions of Section 766.31(1)(a), the claims of Petitioners (claimants) shall be deemed fully satisfied and extinguished, except for Respondent's continuing obligation under the provisions of 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 dispute as to the interpretation of any provision of the parties' stipulation and to resolve any disputes, including but not limited to past expenses, should they arise, regarding the parties' compliance with the terms of such stipulation and this Final Order.

DONE AND ORDERED this 3rd day of March, 2010, in  
Tallahassee, Leon County, Florida.



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ELLA JANE P. DAVIS  
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 March, 2010.

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.