

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

CHRISTINA KENT AND JOHN KENT, )  
ON BEHALF OF AND AS PARENTS AND )  
NATURAL GUARDIANS OF MARYN )  
KENT, A DECEASED MINOR, )  
)  
Petitioners, )  
)  
vs. ) Case No. 09-6604N  
)  
FLORIDA BIRTH-RELATED )  
NEUROLOGICAL INJURY )  
COMPENSATION ASSOCIATION, )  
)  
Respondent, )  
)  
and )  
)  
KAREN HARRIS, M.D., and NORTH )  
FLORIDA WOMEN'S PHYSICIANS, )  
P.A., )  
)  
Intervenors. )  
\_\_\_\_\_ )

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 January 29, 2010,<sup>1</sup> 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, Christina Kent and John Kent, are the parents and legal guardians of Maryn Kent (Maryn), a deceased minor; that Maryn was born a live infant on June 28, 2007, at North Florida Regional Medical Center, a "hospital," as defined by Section 766.302(6), Florida Statutes; and that Maryn's birth weight was 3,300 grams, exceeding the statutory 2,500 grams. The parties have further agreed that the physician delivering obstetrical services at Maryn's birth was Karen Harris, M.D., who, 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, and that at all times material, Dr. Harris was employed by North Florida Women's Physicians, P.A. Finally, by their stipulation, the parties have agreed that Maryn suffered a "birth-related neurological injury," as that term is defined by Section 766.302(2), Florida Statutes, and died on July 1, 2007.

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 January 29, 2010, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Christina Kent and John Kent, as the parents and legal guardians of Maryn Kent, 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, 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 payment of past benefits under Section 766.31(1)(a), Florida Statutes, the claims of Petitioners (claimants) shall be deemed fully satisfied and extinguished.

4. No provision is made under Section 766.31(2), Florida Statutes, to pay future benefits/expenses because the child, Maryn, is deceased.

5. 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 23rd day of February, 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 23rd day of February, 2010.

ENDNOTE

1/ An unexecuted Stipulation and Joint Petition filed  
January 13, 2010, has not been considered.

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.