

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RONNIE DEAN CREWS AND BETHANY)
ANN CREWS, AS PARENTS AND)
NATURAL GUARDIANS OF HUNTER)
DEAN CREWS, DECEASED,)
)
Petitioners,)
)
vs.) Case No. 10-0846N
)
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 for consideration, pursuant to Sections 766.304 and 766.305(7), Florida Statutes, upon the Stipulation and Joint Petition of the parties, filed April 21, 2010.

By the terms of their Stipulation, the parties have agreed that Petitioners, Ronnie Dean Crews and Bethany Ann Crews, are the parents and legal guardians of Hunter Dean Crews (Hunter), a deceased minor; that Hunter was born a live infant on July 30, 2009, at Memorial Hospital Jacksonville, a hospital located in Jacksonville, Florida; and that Hunter's birth weight was 3,074 grams. The parties have further agreed that the physician delivering obstetrical services at Hunter's birth was Joan Marie Macksey, 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. Finally, by their stipulation, the parties have agreed that Hunter suffered a "birth-related neurological injury," as that term is defined by Section 766.302(2), Florida Statutes, which was the sole and proximate cause of Hunter's death on August 1, 2009.

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 21, 2010, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Ronnie Dean Crews and Bethany Ann Crews, as the parents and legal guardians of Hunter Crews, 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. 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 Joint Petition, and to resolve any disputes, should they arise, regarding the parties' compliance with the terms thereof and this Final Order.

DONE AND ORDERED this 26th day of April, 2010, in Tallahassee, Leon County, Florida.



ELLA JANE P. DAVIS
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 26th day of April, 2010.

COPIES FURNISHED:
(Via Certified Mail)

Matthew W. Sowell, Esquire
Matthew W. Sowell, P.A.
12058 San Jose Boulevard, Suite 503
Jacksonville, Florida 32223-8668
(Certified Mail No. 7005 3110 0002 0289 9380)

Kenney Shipley, Executive Director
Florida Birth Related Neurological
Injury Compensation Association
2360 Christopher Place, Suite 1
Tallahassee, Florida 32308
(Certified Mail No. 7005 3110 0002 0289 9366)

Memorial Hospital Jacksonville
3625 University Boulevard South
Jacksonville, Florida 32216
(Certified Mail No. 7005 3110 0002 0289 9342)

Joan M. Macksey, M.D.
3901 University Boulevard South
Suite 215
Jacksonville, Florida 32216
(Certified Mail No. 7005 3110 0002 0289 9335)

Amy Rice, Acting Investigation Manager
Consumer Services Unit
Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, Florida 32399-3275
(Certified Mail No. 7005 3110 0002 0289 9328)

Elizabeth Dudek, Deputy Secretary
Health Quality Assurance
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 3
Tallahassee, Florida 32308
(Certified Mail No. 7005 3110 0002 0289 9311)

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.