

and a resolution of the exclusive remedy otherwise available as outlined in chapter 766.

By the terms of their stipulation, the parties have agreed that Rena Dunn and Randall Dunn are the parents and legal guardians of Randall Dunn, a minor child; that the minor child, Randall, was born a live infant on or about January 13, 2009, at Gulf Coast Medical Center, a "hospital" as defined by section 766.302(6), located in Panama City, Florida; and that the child's birth weight exceeded 2,500 grams. The parties have further agreed that Tracy Percy, D.O., delivered obstetrical services at the child, Randall'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). Finally, by their stipulation, the parties have agreed that the child, Randall, suffered a "birth-related neurological injury," as that term is defined by section 766.302(2).

After due consideration of the interests of all parties, and being otherwise fully advised in the premises, it is

ORDERED that:

1. The hearing on the merits now scheduled for August 5, 2011, is hereby cancelled.

2. The Stipulation and Joint Petition, filed July 19, 2011, is hereby approved, and the parties are directed to comply with the provisions thereof.

3. Rena Dunn, as Randall's mother, is awarded Seventy-three thousand dollars (\$73,000.00), pursuant to section 766.31(1)(b)1., to be paid in lump sum.

4. Randall Dunn, as Randall's father, is awarded Twenty-seven thousand dollars (\$27,000.00), pursuant to section 766.31(1)(b)1., to be paid in lump sum.

5. Upon payment of the foregoing respective awards to the mother and father totaling the One hundred thousand dollars (\$100,000.00) parental award; attorney's fees and other expenses; and past benefits/expenses, the claims of Petitioners (Claimants) shall be deemed fully satisfied and extinguished, except for Respondent's continuing obligation under section 766.31(2), to pay future expenses as incurred.

6. With regard to any dispute regarding past benefits/expenses and attorney's fees and other expenses of the claim related to Attorney Ronald Gilbert and the McMillen Law Firm, a hearing or hearings will be scheduled by a separate notice of hearing to address those issues. As for the date of hearing, the parties shall, within 45 days of the date of this Order, advise the undersigned Administrative Law Judge, with specificity, of the matters remaining in dispute, of several

mutually agreeable dates for a hearing, to be held prior to December 1, 2011, and of the time required for such hearing.

7. 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 Order.

DONE AND ORDERED this 28th day of July, 2011, in Tallahassee, Leon County, Florida.



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 28th day of July, 2011.

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COURTESY COPY

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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 § 766.311, Fla. Stat., and Fla. Birth-Related Neurological Injury Comp. Ass'n 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.