

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

KAREN AND ROBERT TAYLOR, on)
behalf of and as parents and)
natural guardians of LUKE)
TAYLOR, a minor,)
)
Petitioners,)
)
vs.) Case No. 10-10006N
)
FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)
)
Respondent,)
)
and)
)
KIERA IRVIN-RAHAIM, M.D.,)
WOMEN'S CARE FLORIDA, AND ST.)
JOSEPH'S WOMEN'S HOSPITAL,)
)
Intervenors.)
_____)

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 4, 2011 (with page 10 thereof filed April 6, 2011),¹ 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.

By the terms of their stipulation, the parties have agreed that Karen Taylor and Robert Taylor, are the parents and legal guardians of Luke Taylor (Luke), a minor; that Luke was born a live infant on or about December 12, 2006, at St. Joseph's Women's Hospital, a "hospital" as defined by section 766.302(6), located in Tampa, Florida; and that Luke's birth weight exceeded 2,500 grams. The parties have further agreed that Kiera Irvin-Rahaim, M.D., and Lorraine Bevilacqua, M.D., delivered obstetrical services at Luke's² birth, and at all times material hereto, were "participating physicians" 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 Luke 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 Stipulation and Joint Petition, filed April 4-6, 2011, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Karen Taylor and Robert Taylor, as the parents and legal guardians of Luke Taylor, a minor, are awarded

One hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid in periodic payments as agreed-upon.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00), and past benefits/expenses, the claims of Petitioners (Claimants) shall be deemed fully satisfied and extinguished, except for the issues reserved in paragraph 13 of the parties' Stipulation and Joint Petition, including Respondent's continuing obligation under section 766.31(2), to pay future expenses as incurred.

4. With regard to any dispute regarding past benefits/expenses, a hearing 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 hearing, and of the time required for such hearing.

5. 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 15th day of April, 2011, 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
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Filed with the Clerk of the
Division of Administrative Hearings
this 15th day of April, 2011.

ENDNOTES

- 1/ These filings are here treated as a single document and a unified Stipulation and Joint Petition.
- 2/ The misspelling of Luke's name in numbered paragraph 4 of the Stipulation and Joint Petition is deemed a typographical error, not a substantive flaw, as Luke's name is repeatedly spelled correctly elsewhere throughout the Stipulation and Joint Petition.

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.