

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 Jennifer Andrews and Christian Chenier, are the parents and legal guardians of Avaline Marie Chenier (Avaline), a minor; that Avaline was born a live infant on or about April 2, 2010, at St. Joseph's Hospital, d/b/a St. Joseph's Women's Hospital, a "hospital" as defined by section 766.302(6), located in Tampa, Florida; and that Avaline's birth weight exceeded 2,500 grams. The parties have further agreed that Helena Reichman, M.D., rendered obstetrical services in the delivery of Avaline, 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 Avaline 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 September 1, 2011, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Jennifer Andrews and Christian Chenier, as the parents and legal guardians of Avaline Marie Chenier, a minor, are awarded One hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid in lump sum.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00), 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.

4. With regard to the issues reserved, and specifically with regard to any dispute regarding past benefits/expenses and attorney's fees and other expenses of the claim, 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 on those issues to occur no later than December 30, 2011, and of the amount of 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 12th day of September, 2011, in
Tallahassee, Leon County, Florida.

Ella Jane P. Davis

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 12th day of September, 2011.

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 § 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.