

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BRYAN AND YAMILETTE EDWARDS,)
)
 Petitioners,)
)
 vs.) Case No. 11-6506N
)
 FLORIDA BIRTH-RELATED)
 NEUROLOGICAL INJURY)
 COMPENSATION ASSOCIATION,)
)
 Respondent,)
)
 and)
)
 EMIL ABDALLA, D.O., ALL WOMEN'S)
 HEALTHCARE OF SOUTH BROWARD,)
 INC., AND MEMORIAL HEALTHCARE)
 SYSTEMS, d/b/a MEMORIAL)
 HOSPITAL WEST,)
)
 Intervenors.)
)
 _____)

FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD

This cause came on for consideration pursuant to sections 766.304 and 766.305(7), Florida Statutes, upon Petitioners' and Respondent's Stipulation and Joint Petition for Compensation Arising Out of Florida Birth-Related Neurological Injury Pursuant to Chapter 766, Florida Statutes (Stipulation and Joint Petition), filed with the Division of Administrative Hearings on March 19, 2012, for entry of an order approving the resolution of a claim for compensation benefits filed in accordance with

the provisions of chapter 766 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 Petitioners, Bryan Edwards and Yamilette Edwards, are the parents and legal guardians of Bryanna Samone Edwards (Bryanna), a deceased minor; that Bryanna was born on November 18, 2009, in Pembroke Pines, Florida, at Memorial Hospital West, a "hospital" as defined in section 766.302(6); and that Bryanna's birth weight exceeded 2,500 grams. The parties have further agreed that Lawrence Stempel, M.D., delivered obstetrical services at Bryanna's delivery and was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). The parties have agreed that Bryanna suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), and died on November 18, 2009. By telephonic conference call held on March 20, 2012, Petitioners and Respondent have orally stipulated that Bryanna's birth was a live birth.

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

ORDERED:

1. The Stipulation and Joint Petition filed on March 19, 2012, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners Bryan Edwards and Yamilette Edwards, as the parents and legal guardians of Bryanna Samone Edwards, a deceased minor, are awarded \$100,000.00, pursuant to section 766.31(1)(b)1. and a death benefit of \$10,000.00, pursuant to section 766.31(1)(b)2., to be paid in lump sum.

3. Petitioners are awarded payment of past benefits pursuant to section 766.31(1)(a), subject to the provisions of paragraph 20 of the Joint Stipulation and Petition.

4. No provision is made under section 766.31(2) to pay future benefits/expenses because Bryanna is deceased.

5. Respondent, Florida Birth-Related Neurological Injury Compensation Association, will reimburse Andrew Needle,^{1/} Esquire, attorney for Petitioners, an attorney's fee of \$10,000.00 and expenses of \$500.00, totaling \$10,500.00 for services rendered in the filing of this claim.

6. Upon payment of the award to Petitioners of \$100,000.00, a death benefit of \$10,000.00, and past benefits under section 766.31(1)(a) and payment of \$10,500.00 to Andrew Needle, Esquire, for attorney's fees and costs, the claims of Petitioners shall be deemed fully satisfied and extinguished.

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 21st day of March, 2012, in Tallahassee, Leon County, Florida.

Susan Belyeu Kirklund

SUSAN BELYEU KIRKLAND
Administrative Law Judge
Division of Administrative Hearings
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Fax Filing (850) 921-6847
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Filed with the Clerk of the
Division of Administrative Hearings
this 21st day of March, 2012.

ENDNOTE

^{1/} The Stipulation and Petition identified Petitioners' attorney as Andrew Needleman. This is a scrivener's error, and this Order correctly identifies Petitioners' attorney of record as Andrew Needle.

COPIES FURNISHED:
(Via Certified Mail)

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Review of a final order of an administrative law judge shall be by appeal to the District Court of Appeal pursuant to section 766.311(1), Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy, accompanied by filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal. See § 766.311(1), Fla. Stat., and Fla. Birth-Related Neurological Injury Comp. Ass'n v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992).