

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

MAHETAB NEGM AND AMR ELSOBKY O/B/O  
MUHAMMED ELSOBKY, A DECEASED  
MINOR,

Petitioners,

vs.

Case No. 21-1076N

FLORIDA BIRTH-RELATED NEUROLOGICAL  
INJURY COMPENSATION ASSOCIATION,

Respondent,

and

HUSSAIN ESMAIL-RAWJI, M.D.,

Intervenor.

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FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD

This cause came on for consideration pursuant to sections 766.304 and 766.305, Florida Statutes, upon the Stipulation and Joint Petition for Compensation of Claim 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 (DOAH) on July 30, 2021, for the 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 and Joint Petition, Petitioners, Mahetab Negm and Amr Elsobky, as parents and guardians of Muhammed Elsobky, a deceased minor, and Respondent, the Florida Birth-Related Neurological

Injury Compensation Association (NICA), have agreed that Mahetab Negm and Amr Elsobky are the parents and legal guardians of Muhammed Elsobky (Muhammed); that Muhammed was born a live infant on June 1, 2020; that Muhammed's birth weight exceeded 2,500 grams; and that Muhammed died on June 1, 2020. The parties have further agreed that Hussain Esmail-Rawji, M.D., provided obstetrical services at Muhammed's delivery, at AdventHealth Dadeland; that Dr. Esmail-Rawji was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan; and that Adventhealth Dadeland was a hospital, as defined by section 766.302(7). The parties have agreed that Muhammed suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause that led to Muhammed's death.

It is ORDERED:

1. The Stipulation and Joint Petition filed on July 30, 2021, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Mahetab Negm and Amr Elsobky, as the parents and legal guardians of Muhammed, a minor, are awarded two hundred and fifty thousand dollars (\$250,000.00), pursuant to section 766.31(1)(b)1., and a death benefit in the amount of fifty thousand dollars (\$50,000.00), pursuant to section 766.31(1)(b)2., for a total of three hundred thousand dollars (\$300,000.00), to be paid as a lump sum to the parents.

3. NICA will reimburse Brooke I. Charlan, Esquire, attorney for Petitioners, an agreed-upon attorney's fee of twelve thousand five hundred dollars (\$12,500), and expenses of four thousand two hundred thirteen dollars and forty-two cents (\$4,213.42), for a total of sixteen thousand seven hundred thirteen dollars and forty-two cents (\$16,713.42).

4. Upon the full payment of the award of \$300,000.00, as outlined in paragraph 2. above, and \$16,813.42, as outlined in paragraph 3. above, the claims of Petitioners shall be deemed fully satisfied and extinguished.

DONE AND ORDERED this 11th day of August, 2021, in Tallahassee, Leon County, Florida.



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ROBERT J. TELFER III  
Administrative Law Judge  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 11th day of August, 2021.

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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).