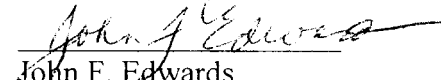


The clerk of court shall send petitioners' copy of this decision to petitioners by overnight express delivery.


John F. Edwards
Special Master

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

 *
LISA DIPIPPA and PATRICK DIPIPPA, *
 as legal representatives of their son, *
LOUIS DIPIPPA, *
 *
 Petitioners, *
 *
 v. *
 *
SECRETARY OF HEALTH *
AND HUMAN SERVICES, *
 *
 Respondent. *

RECEIVED & FILED

MAR 6 2006

OSM
OFFICE OF THE CLERK
COURT OF FEDERAL CLAIMS

No. 03-2347V
SPECIAL MASTER
JOHN F. EDWARDS

STIPULATION

It is hereby stipulated by and between the parties, the following matters:

1. On behalf of their son, Louis Dipippa ("Louis"), petitioners filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-10 to 300aa-34 (the "Vaccine Program"). The petition seeks compensation for injuries allegedly related to Louis' receipt of the Diphtheria-Tetanus-acellular Pertussis ("DTaP") vaccine, which vaccine is contained in the Vaccine Injury Table, 42 U.S.C. §300aa- 14(a)(I).
2. Petitioners allege that Louis received a DTaP vaccine on October 9, 2000, along with several other vaccines.
3. The vaccines were administered within the United States.
4. Petitioners allege that Louis sustained the first symptom or manifestation of the onset of anaphylaxis within the time period set forth in the Table. Petitioners further allege that Louis suffered developmental delay and learning disabilities as sequela of his Table injury, and that he

was also required to use an apnea monitor for the year following his Table injury.

5. Petitioners represent that there has been no prior award or settlement of a civil action for damages on behalf of Louis as a result of his condition.

6. Respondent denies that the DTaP vaccine, or any other vaccine, caused Louis to experience anaphylaxis or any other injury. Respondent further denies that Louis suffered any sequela to a vaccine-related injury.

7. Maintaining their above-stated positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding the compensation described in paragraph 8 of this Stipulation.

8. As soon as practicable after an entry of judgment reflecting a decision consistent with the terms of this Stipulation, and after petitioners have filed an election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), the Secretary of Health and Human Services will issue the following vaccine compensation payment:

A lump sum payment of \$10,000.00 in the form of a check payable to petitioners. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).

9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioners have filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the parties will submit to further proceedings before the special master to award reasonable attorneys' fees and costs incurred in proceeding upon this petition.

10. Payment made pursuant to paragraph 8 (and any amounts awarded pursuant to paragraph 9 of this Stipulation), will be made in accordance with 42 U.S.C. § 300aa-15(i),

subject to the availability of sufficient statutory funds.

11. The parties and their attorneys further agree and stipulate that, except for any award for attorneys' fees and litigation costs, the money provided pursuant to this Stipulation, will be used solely for the benefit of Louis as contemplated by a strict construction of 42 U.S.C. § 300aa-15(a) and (d), and subject to the conditions of 42 U.S.C. § 300aa-15(g) and (h).

12. Petitioners represent that they presently are, or within 90 days of judgment will become, duly authorized to serve as guardians/conservators of Louis's estate under the laws of New Jersey. No payments pursuant to this Stipulation shall be made until petitioners provide the Secretary with documentation establishing their appointment as guardians/conservators of Louis's estate.

13. In return for the payment described in paragraph 8, petitioners, in their individual capacities and as legal representatives of Louis, on behalf of themselves, Louis, and his heirs, executors, administrators, successors or assigns, do forever and fully expressly release, acquit and discharge the Secretary of Health and Human Services and the United States of America from any and all actions, causes of action, agreements, judgments, claims, damages, loss of services, expenses and all demands of whatever kind or nature on account of, or in any way growing out of, any and all known or unknown personal injuries to or death of Louis resulting from, or alleged to have resulted from, the DTaP vaccination, and other vaccinations, administered on October 9, 2000, as alleged by petitioners in a petition for vaccine compensation filed on October 8, 2003, in the United States Court of Federal Claims as petition No. 03-2347V.

14. If Louis should die prior to the Secretary making the payment described in paragraph 8, this agreement shall be considered voidable upon proper notice to the Court on behalf of either

or both of the parties.

15. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation, or in the event the Court of Federal Claims fails to enter judgment in conformity with a decision that is in complete conformity with the terms of this Stipulation, then the parties' settlement and this Stipulation shall be null and void at the sole discretion of either party.

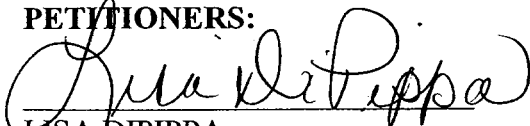
16. This Stipulation expresses a full and complete settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended, except as otherwise noted in paragraph 9 above. There is absolutely no agreement on the part of the parties hereto to make any payment or to do any act or thing other than is herein expressly stated and clearly agreed to.

17. All rights and obligations of petitioners hereunder shall apply equally to their successors and assigns, as legal representatives of Louis Dipippa.

END OF STIPULATION

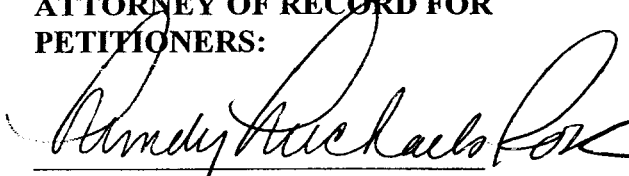
Respectfully submitted,

PETITIONERS:

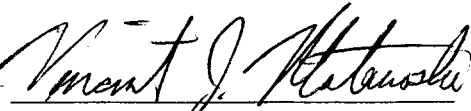

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Dated: March 6, 2006