

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

(Filed: March 9, 2006)

KATHY EDWARDS,)	
as parent of her daughter,)	
JOSLYN EDWARDS,)	
)	
Petitioner,)	
)	
v.)	No. 05-0416V
)	DO NOT PUBLISH
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

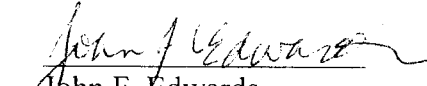
DECISION DIRECTING ENTRY OF JUDGMENT¹

On March 6, 2006, the parties filed a stipulation. The special master has reviewed thoroughly the stipulation. He adopts completely the stipulation. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment based upon the stipulation in petitioner's favor.²

¹ As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire decision" will be available to the public. *Id.*

² Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review. Then, under Vaccine Rule 12(a), petitioner may expedite payment by filing an election to accept the judgment.

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


John F. Edwards
Special Master

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

RECEIVED & FILED

KATHY EDWARDS, parent of,)
JOSLYN EDWARDS, a minor,)
)
Petitioner,)
v.)
)
SECRETARY OF HEALTH)
AND HUMAN SERVICES,)
)
Respondent.)

No. 05-416V
Special Master
John F. Edwards

MAR 6 2006
O S M
OFFICE OF THE CLERK
COURT OF FEDERAL CLAIMS

STIPULATION

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

1. On March 30, 2005, Kathy Edwards (“petitioner”), filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 to 34, *as amended* (the “Vaccine Program”), on behalf of her minor daughter, Joslyn Edwards (“Joslyn”), seeking compensation for injuries allegedly related to Joslyn’s receipt of three doses of Hepatitis B vaccine. Petitioner filed an amended petition clarifying her allegations on April 21, 2005. Hepatitis B vaccine is covered under the Vaccine Injury Table (the “Table”), 42 C.F.R. 100.3(a)(VIII), as amended.
2. Joslyn received the above vaccines on May 11, 2001, June 22, 2001, and July 8, 2002.
3. The vaccines were administered within the United States.
4. Petitioner claims that within two weeks of Joslyn’s July 8, 2002, vaccination, she noticed bruising all over her daughter’s body. Joslyn was diagnosed with idiopathic thrombocytopenic purpura (“ITP”) by her pediatrician on August 27, 2002. This diagnosis was

confirmed by a pediatric hematologist. Petitioner alleges that Joslyn's ITP was caused by receipt of her third Hepatitis B vaccine on July 8, 2002, and has submitted a medical expert opinion in support of her claim.

5. Petitioner represents that there has been no prior award or settlement of a civil action for damages on Joslyn's behalf as a result of her alleged vaccine-related injury.

6. Respondent denies that petitioner has established by a preponderance of the evidence that Joslyn's injuries were caused by any of the Hepatitis B vaccines administered to her on May 11, 2001, June 22, 2001, and July 8, 2002.

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 petitioner files 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 payments:

a. A lump sum of \$100,000.00 in the form of a check payable to petitioner as guardian/conservator of Joslyn's estate. This amount represents compensation for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which Joslyn would be entitled; and

b. A lump sum of \$8,000.00 in the form of a check payable to petitioner for unreimbursed medical expenses.

9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioner has filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the special master shall preside over further

proceedings to award reasonable attorney's fees and costs incurred in proceeding upon this petition.

10. Payments 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 the money provided in paragraph 8(a) of this Stipulation will be used solely for the benefit of Joslyn, 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. Petitioner represents that she is, or within 90 days of the date of judgment will become, duly authorized to serve as guardian/conservator of Joslyn's estate under the laws of the State of Illinois. No payments pursuant to paragraph 8(a) of this Stipulation shall be made until petitioner provides the Secretary with documentation establishing her appointment as guardian/conservator of Joslyn's estate.

13. In return for the payments described in paragraph 8, and amounts awarded pursuant to paragraph 9, petitioner in her individual capacity, and as the legal representative of Joslyn, on behalf of herself, Joslyn, her heirs, executors, administrators, successors or assigns, does 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 Joslyn resulting from, or alleged to have resulted from, the Hepatitis B vaccines

administered on May 11, 2001, June 22, 2001, and July 8, 2002, as alleged by petitioner in a petition and amended petition for vaccine compensation filed on or about March 30, 2005, and April 21, 2005, respectively, in the United States Court of Federal Claims as petition No. 05-416V.

14. In the event Joslyn should die prior to the Secretary making any or all of the payments 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. In the event 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. 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 petitioner hereunder shall apply equally to her successors and assigns as legal representative of Joslyn Edwards' estate.

END OF STIPULATION

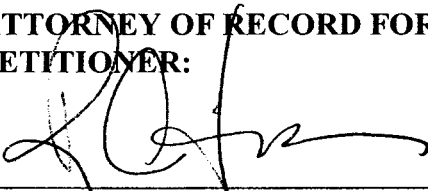
Respectfully submitted,

PETITIONER:




KATHY EDWARDS

**ATTORNEY OF RECORD FOR
PETITIONER:**



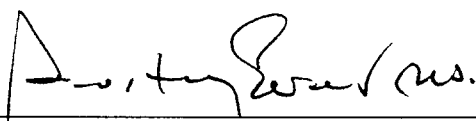
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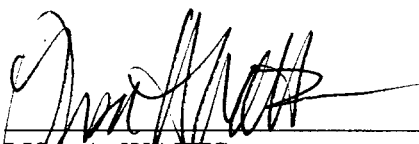
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Dated: 3-6-2006