

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 07-260V

Date: June 17, 2011

Not for Publication

CHRISTINA CARUNO,

*

*

Petitioner,

*

*

Decision based on Proffer

v.

*

*

SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

*

*

*

Respondent.

*

Ronald C. Homer, Boston, MA, for petitioner.

Glenn A. MacLeod, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On June 17, 2011, respondent filed a Proffer on Award of Compensation. Petitioner agrees to the Proffer. Based on the record as a whole, the special master finds that petitioner is entitled to the award as stated in the Proffer. Pursuant to the terms stated in the attached Proffer, the court awards petitioner:

¹ Because this decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to delete such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

- A. A lump sum payment of **\$1,489,728.17**, representing compensation for lost earnings (\$1,220,096.37), pain and suffering (\$216,844.30), past unreimbursable expenses (\$5,893.40), and life care expenses for Year One (\$46,894.10), in the form of a check payable to petitioner, Christina Caruno.
- B. An amount sufficient to purchase an annuity contract, subject to the conditions described in the Proffer, that will provide payments for the life care items contained in the life care plan.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

Dated: June 17, 2011

s/ Laura D. Millman
Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.

CHRISTINA CARUNO,

Petitioner,

v.

SECRETARY OF
HEALTH AND HUMAN SERVICES,

Respondent.

I. Items of Compensation

The respondent engaged life care planner Suzanne Labansky, MSN, CRRN, CCM, CLCP, MSC, and petitioner engaged Maureen Clancy, RN, BSN, CLCP, to provide an estimation of Christina Caruno's future vaccine-injury related needs. For the purposes of this proffer, the term “vaccine related” is as described in the special master’s decision dated June 28, 2010. All items of compensation identified in the joint life care plan, filed on January 25, 2011, as Petitioner’s Exhibit 25, are supported by the evidence, and are illustrated by the chart entitled Appendix A: Items of Compensation for Christina Caruno, attached hereto as Tab A.¹

Respondent proffers that Christina Caruno should be awarded all items of compensation set forth in the joint life care plan and illustrated by the chart attached at Tab A. Petitioner agrees.

¹ The chart at Tab A illustrates the annual benefits provided by the life care plan. The annual benefit years run from the date of judgment up to the first anniversary of the date of judgment, and every year thereafter up to the anniversary of the date of judgment.

B. Lost Earnings

The parties agree that based upon the evidence of record, Christina Caruno has suffered a past loss of earnings, and is unlikely to be employed on a full-time basis in the future.

Therefore, respondent proffers that Christina Caruno should be awarded partial lost earnings as provided under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(3)(A). Respondent proffers that the appropriate award for Christina Caruno's lost earnings is \$1,220,096.37. Petitioner agrees.

C. Pain and Suffering

Respondent proffers that Christina Caruno should be awarded \$216,844.30 in actual and projected pain and suffering. This amount reflects that the award for projected pain and suffering has been reduced to net present value. See 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

D. Past Unreimbursable Expenses

Evidence supplied by petitioner documents her expenditure of past unreimbursable expenses related to Christina Caruno's vaccine-related injury. Respondent proffers that petitioner should be awarded past unreimbursable expenses in the amount of \$5,893.40. Petitioner agrees.

E. Medicaid Lien

Petitioner represents that there are no outstanding Medicaid liens against her.

II. Form of the Award

The parties recommend that the compensation provided to Christina Caruno should be made through a combination of lump sum payments and future annuity payments as described

below, and request that the special master's decision and the Court's judgment award the following:

A. A lump sum payment of \$1,489,728.17, representing compensation for lost earnings (\$1,220,096.37), pain and suffering (\$216,844.30), past unreimbursable expenses (\$5,893.40), and life care expenses for Year One (\$46,894.10), in the form of a check payable to petitioner, Christina Caruno;

B. An amount sufficient to purchase an annuity contract,² subject to the conditions described below, that will provide payments for the life care items contained in the life care plan, as illustrated by the chart at Tab A attached hereto, paid to the life insurance company³ from which the annuity will be purchased.⁴ Compensation for Year Two (beginning on the first anniversary of the date of judgment) and all subsequent years shall be provided through respondent's purchase of an annuity, which annuity shall make payments directly to petitioner, Christina Caruno, only so long as Christina Caruno is alive at the time a particular payment is due. At the Secretary's sole discretion, the periodic payments may be provided to petitioner in

² In respondent's discretion, respondent may purchase one or more annuity contracts from one or more life insurance companies.

³ The Life Insurance Company must have a minimum of \$250,000,000 capital and surplus, exclusive of any mandatory security valuation reserve. The Life Insurance Company must have one of the following ratings from two of the following rating organizations:

- a. A.M. Best Company: A++, A+, A+g, A+p, A+r, or A+s;
- b. Moody's Investor Service Claims Paying Rating: Aa3, Aa2, Aa1, or Aaa;
- c. Standard and Poor's Corporation Insurer Claims-Paying Ability Rating: AA-, AA, AA+, or AAA;
- d. Fitch Credit Rating Company, Insurance Company Claims Paying Ability Rating: AA-, AA, AA+, or AAA.

⁴ Petitioner authorizes the disclosure of certain documents filed by the petitioner in this case consistent with the Privacy Act and the routine uses described in the National Vaccine Injury Compensation Program System of Records, No. 09-15-0056.

monthly, quarterly, annual or other installments. The "annual amounts" set forth in the chart at Tab A describe only the total yearly sum to be paid to petitioner and do not require that the payment be made in one annual installment.

1. Growth Rate

Respondent proffers that a four percent (4%) growth rate should be applied to all non-medical life care items, and a five percent (5%) growth rate should be applied to all medical life care items. Thus, the benefits illustrated in the chart at Tab A that are to be paid through annuity payments should grow as follows: four percent (4%) compounded annually from the date of judgment for non-medical items, and five percent (5%) compounded annually from the date of judgment for medical items. Petitioner agrees.

2. Life-contingent annuity

Petitioner will continue to receive the annuity payments from the Life Insurance Company only so long as Christina Caruno is alive at the time that a particular payment is due. Written notice shall be provided to the Secretary of Health and Human Services and the Life Insurance Company within twenty (20) days of Christina Caruno's death.

3. Guardianship

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

III. Summary of Recommended Payments Following Judgment

- A. Lump Sum paid to petitioner, Christina Caruno: **\$1,489,728.17**
- B. An amount sufficient to purchase the annuity contract described above in section II. B.

Respectfully submitted,

TONY WEST
Assistant Attorney General

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Acting Director
Torts Branch, Civil Division

VINCENT J. MATANOSKI
Acting Deputy Director
Torts Branch, Civil Division

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Dated: June 17, 2011

Caruno v. Sec'y of HHS, Fed. Cl. No. 07-260V

RESPONDENT'S PROFFER
ON AWARD OF COMPENSATION

TAB A

(Appendix A: Items of Compensation for Christina Caruno)

Appendix A: Items of Compensation for Christina Caruno

[illegible]

Appendix A: Items of Compensation for Christina Caruno

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ITEMS OF COMPENSATION	G.R.	*	M	Lump Sum Compensation Year 1	Compensation Year 2	Compensation Year 3	Compensation Year 4	Compensation Year 5	Compensation Year 6	Compensation Year 7	Compensation Year 8
				2011	2012	2013	2014	2015	2016	2017	2018
Multi Vit	4%			32.81	32.81	32.81	32.81	32.81	32.81	32.81	32.81
PT	4%	*		300.00		300.00		300.00		300.00	60.00
OT	4%	*		300.00		300.00		300.00		300.00	60.00
ST	4%	*									
Counseling	4%	*			180.00					180.00	
Nutritional Eval	4%	*								20.00	
Cane	4%	*									
Cane Tips	4%										
Walker	4%	*									
Tips for Walker	4%										
Scooter	4%									2,245.00	
Scooter Lift	4%									2,724.00	
Scooter Cover	4%									149.00	
Carryall Bag	4%									27.12	
Scooter Maint	4%									150.00	150.00
Scooter Batteries	4%									230.00	
Manual WC	4%	*									
Motorized WC	4%	*									
Motorized WC Batteries	4%	*									
Shower Transfer Bench	4%			308.00							308.00
Hand Held Shower	4%			45.13							45.13
Raised Toilet Seat	4%										
Bedside Commode	4%										
Grab Bars	4%									60.82	
ECU	4%										
ECU Install/Maint./ Batt Repl.	4%										
Dragon Naturally Speaking	4%			208.95					208.95		
Easy Use Comp./Writing Equip.	4%			157.00					157.00		
Disposable Gloves	4%										
YMCA	4%			628.00	528.00	528.00	528.00	528.00	528.00	528.00	528.00
Elliptical	4%			799.00							

Appendix A: Items of Compensation for Christina Caruno

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ITEMS OF COMPENSATION	G.R.	*	M	Lump Sum Compensation Year 1	Compensation Year 2	Compensation Year 3	Compensation Year 4	Compensation Year 5	Compensation Year 6	Compensation Year 7	Compensation Year 8
				2011	2012	2013	2014	2015	2016	2017	2018
Homemaker	4%		M								4,149.60
Home Health Aide	4%		M								
Lawn Care	4%										
Snow Removal	4%										
Modified Van	4%										
Drivers Eval	4%										
Home Mods	0%			37,500.00							
Lost Earnings				1,220,096.37							
Pain and Suffering				216,844.30							
Past Unreimbursable Expenses				5,893.40							
Annual Totals				1,489,728.17	7,019.30	7,489.30	11,455.49	12,055.49	11,821.44	18,928.47	17,115.26

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$46,894.10), lost earnings (\$1,220,096.37), pain and suffering (\$216,844.30), and past unreimbursable expenses (\$5,893.40): \$1,489,728.17

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

At respondent's discretion items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

Appendix A: Items of Compensation for Christina Caruno

[illegible]

Appendix A: Items of Compensation for Christina Caruno

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 9	Compensation Year 10	Compensation Year 11	Compensation Year 12	Compensation Year 13	Compensation Year 14	Compensation Year 15	Compensation Year 16
				2019	2020	2021	2022	2023	2024	2025	2026
Multi Vit	4%			32.81	32.81	32.81	32.81	32.81	32.81	32.81	32.81
PT	4%	*		60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
OT	4%	*		60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
ST	4%	*									
Counseling	4%	*					180.00				
Nutritional Eval	4%	*					20.00				
Cane	4%	*									
Cane Tips	4%									2.95	1.48
Walker	4%	*									
Tips for Walker	4%										
Scooter	4%										
Scooter Lift	4%										
Scooter Cover	4%						149.00				
Carryall Bag	4%						27.12				
Scooter Maint	4%			150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00
Scooter Batteries	4%			230.00		230.00		230.00		230.00	
Manual WC	4%	*									
Motorized WC	4%	*									
Motorized WC Batteries	4%	*									
Shower Transfer Bench	4%									308.00	
Hand Held Shower	4%									45.13	
Raised Toilet Seat	4%										
Bedside Commode	4%										
Grab Bars	4%										
ECU	4%										
ECU Install/Maint./ Batt Repl.	4%										
Dragon Naturally Speaking	4%					208.95					208.95
Easy Use Comp./Writing Equip.	4%					157.00					157.00
Disposable Gloves	4%									58.68	58.68
YMCA	4%			528.00	528.00	528.00	528.00	528.00	528.00	528.00	528.00
Elliptical	4%					799.00					

Appendix A: Items of Compensation for Christina Caruno

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ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 9	Compensation Year 10	Compensation Year 11	Compensation Year 12	Compensation Year 13	Compensation Year 14	Compensation Year 15	Compensation Year 16
				2019	2020	2021	2022	2023	2024	2025	2026
Homemaker	4%		M	4,149.60	4,149.60	4,149.60	4,149.60	4,149.60	10,374.00	10,374.00	10,374.00
Home Health Aide	4%		M								
Lawn Care	4%										
Snow Removal	4%										
Modified Van	4%										
Drivers Eval	4%										
Home Mods	0%										
Lost Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Annual Totals				16,992.13	16,762.13	18,157.08	18,004.73	17,658.61	23,653.01	24,297.77	24,079.12

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$46,894.10), lost earnings (\$1,220,096.37), pain and suffering (\$216,844.30), and past unreimbursable expenses (\$5,893.40): \$1,489,728.17

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

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Appendix A: Items of Compensation for Christina Caruno

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ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 17	Compensation Year 18	Compensation Year 19	Compensation Year 20	Compensation Year 21	Compensation Year 22	Compensation Year 23	Compensation Year 24
				2027	2028	2029	2030	2031	2032	2033	2034
Multi Vit	4%			32.81	32.81	32.81	32.81	32.81	32.81	32.81	32.81
PT	4%	*		60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
OT	4%	*		60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
ST	4%	*									
Counseling	4%	*		180.00					180.00		
Nutritional Eval	4%	*		20.00					20.00		
Cane	4%	*									
Cane Tips	4%			1.48	1.48	1.48	1.48	1.48	1.48	1.48	1.48
Walker	4%	*									
Tips for Walker	4%								7.53	7.53	7.53
Scooter	4%			2,245.00							
Scooter Lift	4%			2,724.00							
Scooter Cover	4%			149.00					149.00		
Carryall Bag	4%			27.12					27.12		
Scooter Maint	4%			150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00
Scooter Batteries	4%			230.00		230.00		230.00		230.00	
Manual WC	4%	*									
Motorized WC	4%	*									
Motorized WC Batteries	4%	*									
Shower Transfer Bench	4%								308.00		
Hand Held Shower	4%								45.13		
Raised Toilet Seat	4%								229.95		
Bedside Commode	4%										
Grab Bars	4%			60.82							
ECU	4%										
ECU Install/Maint./ Batt Repl.	4%										
Dragon Naturally Speaking	4%							208.95			
Easy Use Comp./Writing Equip.	4%							157.00			
Disposable Gloves	4%			58.68	58.68	58.68	58.68	58.68	58.68	58.68	58.68
YMCA	4%			528.00	528.00	528.00	528.00	528.00	528.00	528.00	528.00
Elliptical	4%							799.00			

Appendix A: Items of Compensation for Christina Caruno

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 17	Compensation Year 18	Compensation Year 19	Compensation Year 20	Compensation Year 21	Compensation Year 22	Compensation Year 23	Compensation Year 24
				2027	2028	2029	2030	2031	2032	2033	2034
Homemaker	4%		M	10,374.00	10,374.00	10,374.00					
Home Health Aide	4%		M				39,727.25	39,727.25	39,727.25	39,727.25	39,727.25
Lawn Care	4%								840.00	840.00	840.00
Snow Removal	4%								1,125.00	1,125.00	1,125.00
Modified Van	4%										
Drivers Eval	4%										
Home Mods	0%										
Lost Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Annual Totals				30,501.31	24,665.37	24,895.37	54,018.62	55,413.57	58,859.51	57,930.31	57,700.31

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$46,894.10), lost earnings (\$1,220,096.37), pain and suffering (\$216,844.30), and past unreimbursable expenses (\$5,893.40): \$1,489,728.17

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

At respondent's discretion items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

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Appendix A: Items of Compensation for Christina Caruno

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ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 25	Compensation Year 26	Compensation Year 27	Compensation Year 28	Compensation Year 29	Compensation Year 30	Compensation Year 31	Compensation Year 32
				2035	2036	2037	2038	2039	2040	2041	2042
Homemaker	4%		M								
Home Health Aide	4%		M	39,727.25	39,727.25	39,727.25	39,727.25	39,727.25	55,618.15	55,618.15	55,618.15
Lawn Care	4%			840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00
Snow Removal	4%			1,125.00	1,125.00	1,125.00	1,125.00	1,125.00	1,125.00	1,125.00	1,125.00
Modified Van	4%										
Drivers Eval	4%					340.00					
Home Mods	0%										
Lost Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Annual Totals				57,913.64	58,049.59	58,252.09	52,482.23	53,425.30	68,475.00	68,705.00	68,651.12

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$46,894.10), lost earnings (\$1,220,096.37), pain and suffering (\$216,844.30), and past unreimbursable expenses (\$5,893.40): \$1,489,728.17

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

At respondent's discretion items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

Appendix A: Items of Compensation for Christina Caruno

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Appendix A: Items of Compensation for Christina Caruno

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ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 33	Compensation Year 34	Compensation Year 35	Compensation Year 36	Compensation Year 37	Compensation Years 38-39	Compensation Years 40-41	Compensation Year 42
				2043	2044	2045	2046	2047	2048-2049	2050-2051	2052
Homemaker	4%		M								
Home Health Aide	4%		M	55,618.15	55,618.15	55,618.15	55,618.15	55,618.15	55,618.15	79,454.50	79,454.50
Lawn Care	4%			840.00	840.00	840.00	840.00	840.00	840.00	840.00	840.00
Snow Removal	4%			1,125.00	1,125.00	1,125.00	1,125.00	1,125.00	1,125.00	1,125.00	1,125.00
Modified Van	4%							40,170.00			
Drivers Eval	4%										
Home Mods	0%										
Lost Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Annual Totals				68,710.42	68,480.42	68,710.42	68,480.42	114,820.17	69,493.23	93,329.58	92,243.58

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$46,894.10), lost earnings (\$1,220,096.37), pain and suffering (\$216,844.30), and past unreimbursable expenses (\$5,893.40): \$1,489,728.17

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

At respondent's discretion items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

Appendix A: Items of Compensation for Christina Caruno

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Years 43-46	Compensation Year 47	Compensation Years 48-49	Compensation Years 50-51	Compensation Years 52-Life
				2053-2056	2057	2058-2059	2060-2061	2062-Life
Blue Care Premium	5%							
Blue Care Deductible	5%							
Blue Premium	5%		M					
Blue Deuctible & Rx Ded.	5%							
Deductible	5%	*		1,384.80	1,384.80	1,384.80	1,384.80	1,384.80
Medigap Plan C Premium	5%		M	1,842.60	2,227.80	2,227.80	2,227.80	3,033.00
Medicare Part D	5%		M	4,936.00	4,936.00	4,936.00	4,936.00	4,936.00
PCP	5%	*						
Neurologist	5%	*						
Ophthal-mologist	5%	*						
Urologist	5%	*						
Orthopedic/Other Specialist	5%	*						
ER	5%	*						
Hospitalization	5%	*						
MRI	5%	*						
CMP	5%	*						
CBC	5%	*						
ANA Screen	5%	*						
Cardiolipin AUTaba	5%	*						
dsDNA AUTOab	5%	*						
Compl. C3	5%	*						
Compl. C4	5%	*						
Lupus Anticoagulant	5%	*						
Sjogren's AUTOab PRF	5%	*						
Rebiff SQ	5%	*						
Provigil	5%	*						
IV Steroids	5%	*						
Tysabri	5%	*						
Aspirin	4%			10.95	10.95	10.95	10.95	10.95
Advil Gel Tabs	4%			251.86	251.86	251.86	251.86	251.86
Vit D3	4%			171.00	171.00	171.00	171.00	171.00

Appendix A: Items of Compensation for Christina Caruno

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Years 43-46 2053-2056	Compensation Year 47 2057	Compensation Years 48-49 2058-2059	Compensation Years 50-51 2060-2061	Compensation Years 52-Life 2062-Life
Multi Vit	4%			32.81	32.81	32.81	32.81	32.81
PT	4%	*		375.00	375.00	375.00	375.00	375.00
OT	4%	*		375.00	375.00	375.00	375.00	375.00
ST	4%	*		375.00	375.00	375.00	375.00	375.00
Counseling	4%	*						
Nutritional Eval	4%	*						
Cane	4%	*		6.71	6.71	6.71	6.71	6.71
Cane Tips	4%			1.48	1.48	1.48	1.48	1.48
Walker	4%	*		11.86	11.86	11.86	11.86	11.86
Tips for Walker	4%			7.53	7.53	7.53	7.53	7.53
Scooter	4%							
Scooter Lift	4%							
Scooter Cover	4%							
Carryall Bag	4%			5.42	5.42	5.42	5.42	5.42
Scooter Maint	4%							
Scooter Batteries	4%							
Manual WC	4%	*		35.57	35.57	35.57	35.57	35.57
Motorized WC	4%	*						
Motorized WC Batteries	4%	*						
Shower Transfer Bench	4%			44.00	44.00	44.00	44.00	44.00
Hand Held Shower	4%			6.45	6.45	6.45	6.45	6.45
Raised Toilet Seat	4%			32.85	32.85	32.85	32.85	32.85
Bedside Commode	4%			28.43	28.43	28.43	28.43	28.43
Grab Bars	4%			6.08	6.08	6.08	6.08	6.08
ECU	4%			387.38	387.38	387.38	387.38	387.38
ECU Install/Maint./ Batt Repl.	4%			150.00	150.00	150.00	150.00	150.00
Dragon Naturally Speaking	4%			41.79	41.79	41.79	41.79	41.79
Easy Use Comp./Writing Equip.	4%			31.40	31.40	31.40	31.40	31.40
Disposable Gloves	4%			58.68	58.68	58.68	58.68	58.68
YMCA	4%							
Elliptical	4%							

Appendix A: Items of Compensation for Christina Caruno

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Years 43-46 2053-2056	Compensation Year 47 2057	Compensation Years 48-49 2058-2059	Compensation Years 50-51 2060-2061	Compensation Years 52-Life 2062-Life
Homemaker	4%		M					
Home Health Aide	4%		M	79,454.50	79,454.50	79,454.50	190,690.80	190,690.80
Lawn Care	4%							
Snow Removal	4%							
Modified Van	4%				36,136.00	3,613.60	3,613.60	3,613.60
Drivers Eval	4%							
Home Mods	0%							
Lost Earnings								
Pain and Suffering								
Past Unreimbursable Expenses								
Annual Totals				90,065.15	126,586.35	94,063.95	205,300.25	206,105.45

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$46,894.10), lost earnings (\$1,220,096.37), pain and suffering (\$216,844.30), and past unreimbursable expenses (\$5,893.40): \$1,489,728.17

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

At respondent's discretion items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.