

suffered injuries following his Hepatitis B, diphtheria, tetanus, acellular pertussis (DTaP), and measles, mumps and rubella (MMR) vaccinations. Respondent denies that CHILD DOE/63's injuries were caused in fact by his Hepatitis B, DTaP, and MMR vaccinations. Nonetheless, the parties agreed to resolve this matter informally.

The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards:

- a. a lump sum payment of **\$70,000.00** in the form of a check made payable to petitioners as guardians / conservators of CHILD DOE/63's estate.

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.

Date: April 5, 2010

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.

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

____ and _____, as)
parents and natural guardians)
of _____, a minor,)
)
Petitioners,)
)
v.) No. _____V
) Special Master Millman
SECRETARY OF HEALTH AND HUMAN)
SERVICES,)
)
Respondent.)

STIPULATION

The parties hereby stipulate to the following matters:

1. On behalf of their son, _____ (_____), petitioners filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 to 34 (the "Vaccine Program"). The petition seeks compensation for injuries allegedly related to _____'s receipt of Hepatitis B, diphtheria, tetanus, acellular pertussis (DTaP), and measles, mumps, rubella (MMR) vaccines, which vaccines are contained in the Vaccine Injury Table (the "Table"), 42 U.S.C. § 300aa-14(a)(I); 42 C.F.R. § 100.3 (a).
2. _____ received his Hepatitis B, DTaP, and MMR immunizations on January 30, 2009.
3. The vaccines were administered within the United States.
4. Petitioners allege that _____ developed vaccine-related

injuries as a result of his January 30, 2009, Hepatitis B, DTaP, and MMR vaccinations.

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

6. Respondent denies that [REDACTED] injuries were caused-in-fact by his Hepatitis B, DTaP, and MMR vaccinations.

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 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 a lump sum payment of \$70,000.00, in the form of a check payable to petitioners as guardians/conservators of [REDACTED] estate. This amount represents compensation for all damages 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. Payments made pursuant to paragraphs 8 and 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. In return for the payments described in paragraphs 8 and 9, petitioners, in their capacity and as legal representatives of [REDACTED], on behalf of themselves, [REDACTED], 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 [REDACTED] resulting from, or alleged to have resulted from, the Hepatitis B, DTaP, and MMR vaccinations administered on January 30, 2009, as alleged by petitioners in a petition for vaccine compensation filed on or about September 11, 2009, in the United States Court of Federal Claims as petition No. [REDACTED].

12. Petitioners represent that they presently are, or within 90 days of the date of judgment will become, duly authorized to serve as guardians/conservators of [REDACTED]'s estate under the laws of the State of Oregon. No payments pursuant to this Stipulation

shall be made until petitioners provide the Secretary with documentation establishing their appointment as guardians of [REDACTED]'s estate. If petitioners are not authorized by a court of competent jurisdiction to serve as guardians of the estate of [REDACTED] [REDACTED] at the time a payment pursuant to this Stipulation is to be made, any such payment shall be paid to the party or parties appointed by a court of competent jurisdiction to serve as guardian/conservator of the estate of [REDACTED] [REDACTED] upon submission of written documentation of such appointment to the Secretary.

13. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation or if 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.

14. 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 [REDACTED] 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).

15. If ██████ should die prior to receiving 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.

17. 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.

18. All rights and obligations of petitioners hereunder shall apply equally to petitioners successors and assigns as legal representatives of ██████.

END OF STIPULATION

Respectfully submitted,

PETITIONERS:

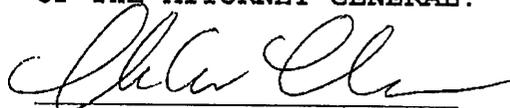
[REDACTED]

ATTORNEY OF RECORD FOR
PETITIONERS:



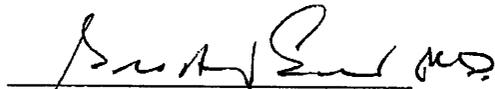
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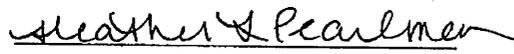
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Dated: 03/29/2010