

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

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LATRICIA HEWINGS, special \*  
administrator of the estate of \*  
MILES LEE WILLIAMS, \*

Petitioner, \*

v. \*

SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

Filed: August 21, 2006

No. 05-1292V

Special Master Christian J. Moran

Jerome A. Konkel, Esq., Samster, Konkel & Safran, LLC, Milwaukee, Wisconsin, for Petitioner;  
Lisa A. Watts, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

**DECISION<sup>1</sup>**

**MORAN:** Special Master.

On August 10, 2006, the parties filed a joint stipulation concerning the death of petitioner's son, Miles Lee Williams. Petitioner filed two petitions for compensation. The first petition, case no. 05-193V, sought compensation for alleged vaccine-related injuries from multiple vaccines, including Comvax (combination of haemophilus influenzae type B vaccine and hepatitis B vaccine), Prevnar (pneumococcal 7-valent conjugate vaccine), inactivated polio vaccine ("IPV"), and diphtheria-tetanus-acellular pertussis ("DtaP") vaccines. The second petition, case no. 05-1292V, sought compensation for injuries resulting in death related to Mile's receipt of the influenza vaccine. The two petitions were combined into a single case, case no. 05-1292V.

Respondent denies that Miles' injuries and death were caused by any of the above-listed vaccines. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in

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<sup>1</sup> Petitioner is reminded that, pursuant to 42 U.S.C. § 300aa-12(d)(4) and Rule 18(b)(2) of the Vaccine Rules of this Court, within fourteen days of this decision, she may object to the public disclosure of any material including "medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy."

awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- (a) **A lump sum of \$125,000.00 in the form of a check payable to Petitioner** as special administrator of Mile's estate. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a); and
- (b) **A lump sum of \$22,348.45 in the form of a check payable to Petitioner and petitioner's attorney, Jerome A. Konkol,** for attorney's fees and costs; and, in compliance with General Order #9, no out-of-pocket expenses were incurred by petitioner in proceeding on the petitions.

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in cases 05-193V and 05-1292V according to this decision and the attached stipulation.

Any questions may be directed to my law clerk, Shana Z. Siesser, at (202) 357-6358.

**IT IS SO ORDERED.**

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Christian J. Moran  
Special Master