



A lump sum payment of **\$125,000.00** in the form of a check payable to petitioners, Gustavo and Teresa Gruber, on behalf of their daughter Catherine Gruber. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

The special master adopts the parties' stipulation attached hereto, and awards compensation in the amount and on the terms set forth therein. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Denise K. Vowell  
**Denise K. Vowell**  
Special Master

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<sup>2</sup> 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.



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

6. Respondent denies that Catherine's JDM and alleged residual effects were caused-in-fact by the hepatitis B vaccine.

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 payments:

A lump sum of \$125,000.00 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. Any payment made pursuant to paragraph 8 of this Stipulation will be made in accordance with 42 U.S.C. § 300aa-15(i), subject to the availability of sufficient statutory funds.

10. 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 special master shall preside over further proceedings to award reasonable attorneys' fees and costs incurred in proceeding upon this petition.

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 Catherine 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 this date of judgment will become, duly authorized to serve as guardians/conservators of Catherine's estate under the laws of the State of Illinois. No payments pursuant to this Stipulation shall be made until petitioners provide the Secretary with documentation establishing their appointment as guardians/conservators of Catherine's estate. If petitioners are not authorized by a court of competent jurisdiction to serve as guardians/conservators of the estate of Catherine 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 Catherine upon submission of written documentation of such appointment to the Secretary.

13. In return for the payments described in paragraph 8, petitioners, in their individual capacities and as legal representatives of Catherine, on behalf of themselves, Catherine, and her 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, Catherine resulting from, or alleged to have resulted from, the hepatitis B vaccination administered on

December 9, 1997, as alleged by petitioners in a petition for vaccine compensation filed on or about December 11, 2000, in the United States Court of Federal Claims as petition No. 00-749V.

14. If Catherine should die prior to receiving the payment described in paragraph 8(a), 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.

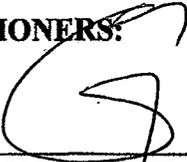
16. This Stipulation expresses a full and complete settlement of liability and damages claimed in this matter by petitioners under the National Vaccine Injury Act of 1986, as amended. There is absolutely no agreement on the part of the parties hereto to make any payment or to do any act or thing other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

17. All rights and obligations of petitioners hereunder shall apply equally to their heirs, successors and/or assigns as legal representatives of Catherine Gruber.

END OF STIPULATION

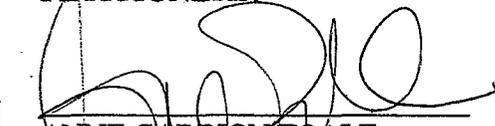
Respectfully submitted,

**PETITIONERS:**

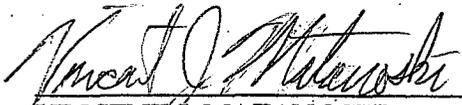
  
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GUSTAVO GRUBER

  
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TERESA GRUBER

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Dated: December 2, 2008