

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-102V

Filed: January 23, 2009

Not for publication

NICOLE BOUGIE, as the Prochien *
Ami of MAKAYLA BOUGIE *

Petitioner, *

v. * Decision based on joint stipulation for

dismissal

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

Respondent. *

Altom M. Maglio, Sarasota, FL, for petitioner.

Katherine Carr Esposito, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION¹

On February 22, 2008, a petition in the above-captioned case was filed, in which petitioner alleged that Makayla Bougie suffered a vaccine-related injury caused or triggered by the Pediarix vaccination covered by the Vaccine Act.

On January 19, 2009, the parties filed the attached stipulation, in which they jointly agreed that this case be dismissed. In accordance with the stipulation, the undersigned hereby

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.

dismisses the petition.² 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.³

IT IS SO ORDERED.

Dated: January 23, 2009

/s/ Laura D. Millman

Laura D. Millman
Special Master

²Accordingly, the telephonic status conference scheduled for **Thursday, February 19, 2009, at 10:30 a.m. (EST) is hereby CANCELLED.**

³ 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 THE SPECIAL MASTERS

NICOLE BOUGIE as the Prochien
Ami of MAKAYLA BOUGIE,

Petitioners,

vs.

CASE NO.: 08-102V
Special Master Laura Millman

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

_____ /

JOINT STIPULATION FOR DISMISSAL

Come now the Petitioner and Respondent, by and through their undersigned attorneys, and hereby state the following:

1. This case was filed in 2008, alleging that Makayla Bougie suffered a vaccine related injury caused or triggered by the Pediarix vaccination covered by the Vaccine Act.

3. Petitioner has decided to dismiss the Petition.

4. Therefore Petitioner and Respondent agree that it is appropriate that this case be dismissed.

5. The parties hereby file this stipulation for dismissal and request that the Court dismiss this case, retaining jurisdiction to determine proper attorneys' fees and costs, if appropriate.

WHEREFORE the Petitioners and Respondent respectfully move for the dismissal of the above captioned case pursuant to this stipulation.

/s/ Altom M. Maglio

Altom M. Maglio, Esq.

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U.S. DEPARTMENT OF JUSTICE

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Attorney for Respondent

Dated: January 19, 2009