

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-217V

Filed: February 25, 2010

Not for Publication

CHRISTOPHER FOSTER, and *
KELLY FOSTER, as parents and *
natural guardians of JULIA FOSTER, *

Petitioners, *

v. *

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

Respondent. *

Anne C. Toale, Sarasota, FL, for petitioner.
Rebecca J. Trinrud, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On February 23, 2010, the parties filed the attached stipulation, in which they agreed to settle this case and described the settlement terms. Petitioners allege that their daughter, Julia, developed Juvenile Rheumatoid Arthritis (“JRA”) following a measles vaccination. Respondent denies that

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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.

Julia's JRA was caused in fact by her measles vaccination. 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 **\$3,000.00** in the form of a check made payable to petitioners, for petitioners' past unreimbursed expenses; and
- b. a lump sum payment of **\$100,000.00** in the form of a check made payable to petitioners as guardians/ conservators of Julia Foster'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.

Dated: February 25, 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.