

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**

No.

**Filed:**

\* \* \* \* \*

*as administrator* \*  
*and legal representative of the Estate* \*  
*of* , *deceased,* \*

Petitioner, \*

v. \*

Joint Stipulation on Damages;  
Diphtheria-tetanus-acellular pertussis  
("DTaP") vaccine; Hepatitis A  
("Hep. A") vaccine; Necrotizing  
Myopathy; Death

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*

\* \* \* \* \*

Ramon Rodriguez, III, Esq., Rawls, McNelis and Mitchell, P.C., Richmond, VA, for petitioner.  
Ryan Pyles, Esq., US Department of Justice, Washington, DC, for respondent.

**DECISION ON JOINT STIPULATION<sup>1</sup>**

**Roth**, Special Master:

filed a petition for compensation under the National  
Vaccine Injury Compensation Program<sup>2</sup> on . After his death,  
was substituted as petitioner. Petitioner alleges that  
developed necrotizing myopathy and related sequelae and ultimately died after receiving a  
diphtheria-tetanus-acellular pertussis ("DTaP") and/or a Hepatitis A ("Hep. A") vaccine on or

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

about . See Stipulation, filed at ¶¶ 1-4. Respondent denies that the DTaP and Hep. A immunizations, singly or in combination, caused petitioner's injury or death. Stipulation at ¶ 6.

Nevertheless, the parties have agreed to settle the case. On , the parties filed a joint stipulation agreeing to settle this case and describing the settlement terms.

Respondent agrees to issue the following payments:

- (1) **A lump sum of \$626,748.68, which amount represents reimbursement of a State of Medicaid lien, in the form of a check payable jointly to petitioner, , and**

which petitioner agrees to endorse to the Department of Health Care Services; and

- (2) **A lump sum of \$150,000.00, in the form of a check payable to petitioner, , as legal representative of the Estate of .**

These amounts represent compensation for all damages that would be available under § 300aa-15(a).

I adopt the parties' stipulation attached hereto, and award compensation in the amount and on the terms set forth therein. The clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/ Mindy Michaels Roth**  
Mindy Michaels Roth  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.