

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

No.
Filed:

, Petitioner,	*	NOT TO BE PUBLISHED
	*	
	*	
	*	
	*	Special Master Zane
	*	
v.	*	Stipulation; hepatitis A (“Hep A”)
	*	vaccine; varicella vaccine;
SECRETARY OF HEALTH AND HUMAN SERVICES,	*	neurological abnormalities; seizures
	*	and dystonia
	*	
Respondent.	*	
	*	

Ramon Rodriguez, III, Rawls, McNelis, and Mitchell, P.C., Richmond, VA, for Petitioner
Ryan Pyles, United States Dep’t of Justice, Washington, DC, for Respondent

UNPUBLISHED DECISION¹

On _____, the parties in the above-captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of compensation in this case. Petitioners allege that their daughter suffered from neurological abnormalities, manifesting as seizures and dystonia, as a consequence of her receipt of the hepatitis A (“Hep A”) and varicella vaccines, which are vaccines contained in the Vaccine Injury Table, 42 C.F.R § 100.3(a), and

¹ Because this decision contains a reasoned explanation for the Special Master’s action in this case, the Special Master intends to post it on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 113 Stat. 2899, 2913 (Dec. 17, 2002). All decisions of the Special Master will be made available to the public unless they contain trade secret or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to redact such information before the document’s disclosure. Absent a timely motion to redact, the decision will be made available to the public in its entirety. If the Special Master, upon review of a timely-filed motion, agrees that the identified material fits within the categories listed above, the Special Master shall redact such material from the decision made available to the public. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

which Petitioners' daughter received on or about . Petitioners allege that their daughter experienced the residual effects of this injury for more than six months. Petitioners also represent that there have been no prior awards or settlement of a civil action for these damages. Petitioners seek compensation related to her injuries pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10 to 34.

Respondent denies that the Hep A or varicella vaccines caused Petitioners' daughter to suffer from neurological abnormalities or any other injury and denies that Petitioners' daughter's current disabilities are sequelae of her alleged vaccine-related injury. Nonetheless, the parties have agreed informally to resolve this matter. Stipulation, Appendix A hereto.

The undersigned hereby ADOPTS the parties' said Stipulation, attached hereto as Appendix A, and awards compensation in the amount and on the terms set forth therein. Specifically, Petitioner is awarded:

a lump sum of \$175,000.00, in the form of a check payable to petitioners as guardians/conservators of the estate of . This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

The Court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

s/Daria J. Zane
Daria J. Zane
Special Master

² This document constitutes a final "decision" in this case pursuant to 42 U.S.C. § 300aa-12(d)(3)(A). Unless a motion for review of this decision is filed within 30 days, the Clerk of the Court shall enter judgment in accordance with this decision. Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.