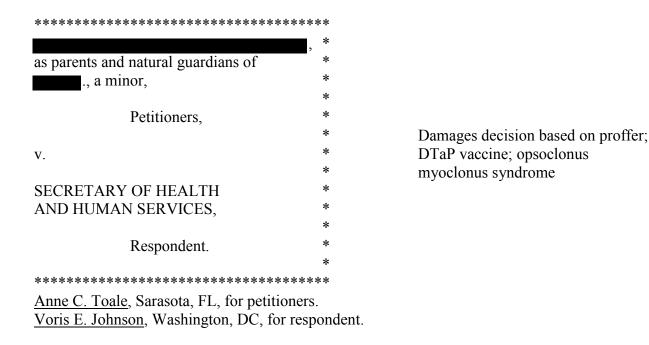
In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-402V Filed: August 12, 2013 Not for Publication



MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On June 2, 2008, petitioners filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa–10-34, alleging that DTaP vaccine significantly aggravated abdominal neuroblastoma, resulting in opsoclonus myoclonus syndrome (OMS). In the alternative, petitioners alleged that DTaP caused M.M.H.'s OMS. On July 20, 2010, the

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.

undersigned issued a Ruling on Entitlement in favor of petitioners.

On May 9, 2013, respondent filed a Proffer on Award of Compensation. Based on the record as a whole, the special master finds that petitioners are entitled to the award as stated in the Proffer. Pursuant to the terms stated in the attached Proffer, the court awards petitioners:

- a. a lump sum payment of \$627,283.18, representing compensation for partial lost future earnings (\$451,138.33), pain and suffering (\$157,702.55), and life care expenses for Year One (\$18,442.30), in the form of a check payable to petitioners as guardians or conservators of M.M.H., for the benefit of M.M.H. No payments shall be made until petitioners provide respondent with documentation establishing that they have been appointed as the guardians or conservators of M.M.H.'s estate. If petitioners are not authorized by a court of competent jurisdiction to serve as guardians or conservators of the estate of M.M.H., any such payment shall be made to the party or parties appointed by a court of competent jurisdiction to serve as guardian(s) or conservator(s) of the estate of M.M.H. upon submission of written documentation of such appointment to the Secretary;
- b. a lump sum payment of \$9,499.63, representing compensation for past unreimbursable expenses, payable to and the part of the payment of \$9,499.63, representing compensation for past unreimbursable expenses, payable to an additional payment of \$9,499.63, representing compensation for past unreimbursable expenses, payable to a payment of \$9,499.63, representing compensation for past unreimbursable expenses, payable to a payment of \$9,499.63, representing compensation for past unreimbursable expenses, payable to a payment of \$9,499.63, representing compensation for past unreimbursable expenses, payable to a payment of \$9,499.63, representing compensation for past unreimbursable expenses, payable to a payment of \$9,499.63, representing compensation for past unreimbursable expenses, payable to a payment of \$9,499.63, representing compensation for past unreimbursable expenses, payable to a payment of \$9,499.63, representing the \$9,499.63, representing
- c. an amount sufficient to purchase an annuity contract subject to the conditions described in section II. C. of the attached Proffer.

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: August 12, 2013

/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, either separately or jointly, filing a notice renouncing the right to seek review.