

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-867 V

Originally Filed: June 10, 2011

Filed Redacted: June 14, 2011

Not for Publication

████████████████████
As Parents and Natural Guardians of
████████

Petitioners,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Damages Decision Based on Stipulation;
Menactra, DTaP, Varivax vaccines,
Guillain-Barré syndrome

F. John Caldwell, Jr., Sarasota, FL, for petitioners.
Darryl R. Wishard, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On June 10, 2011, the parties filed the attached stipulation, in which they agreed to settle this case and described the settlement terms. Petitioners alleged that ██████ suffered from Guillain-Barré syndrome following Menactra, DTaP, and Varivax vaccinations. Respondent denies that W.T.'s GBS was caused in fact by any of the vaccines administered to him on September 29, 2008. Nonetheless, the parties agreed to resolve this matter informally.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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. On June 14, 2011, petitioners filed a motion to redact this decision. Petitioners' motion is GRANTED in part and DENIED in part. The minor child's name has been redacted to initials. His parents' names are not covered by the Vaccine Act or Rule 18(b)'s redaction provisions. Therefore, the minor child's name has been redacted to initials in both the decision and the attached stipulation, but the parents' names have not.

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 of **\$100,000.00** in the form of a check made payable to petitioners as guardians/conservators of [REDACTED]'s estate; and
- b. A lump sum of \$15,046.31, which amount represents compensation for reimbursement of the Medicaid lien, in the form of a check payable jointly to petitioner and Commonwealth of Pennsylvania, Department of Public Welfare, CIS# 940132255.

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: June 14, 2011

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.