

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

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Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 10-516V  
Special Master Christian J. Moran

Filed: July 8, 2011  
Reissued: August 1, 2011

Stipulation; tetanus-diphtheria-  
acellular pertussis and Menactra  
vaccines; acute disseminated  
encephalomyelitis

**UNPUBLISHED DECISION**<sup>1</sup>

Anne C. Toale, Maglio Christopher and Toale, Sarasota, FL, for Petitioner;  
Darryl R. Wishard, U.S. Department of Justice, Washington, D.C., for Respondent.

On July 7, 2011, the parties filed a joint stipulation concerning the petition for compensation filed by [REDACTED], on August 5, 2010. In their petition, the petitioners alleged that the tetanus-diphtheria-acellular pertussis and Menactra vaccines, which vaccines are contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. §100.3(a), and which R.V. received on August 4, 2009, caused [REDACTED] to develop acute disseminated encephalomyelitis ("ADEM"), the effects of which lasted for more than six months.

Respondent denies that the vaccines caused [REDACTED]'s ADEM or any current disabilities, and denies that R.V. experienced the residual effects of this injury for more than six months.

Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in

<sup>1</sup> When this decision was originally issued, the parties were notified that the decision would be posted in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). The parties were also notified that they may seek redaction pursuant to 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b). Petitioners made a timely request for redaction and this decision is being reissued with the name of the minor child redacted to initials.

awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- A. A lump sum payment of \$40,000.00 in the form of a check payable to petitioners, as guardians/conservators of the estate of [REDACTED]. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 10-516V according to this decision and the attached stipulation.

Any questions may be directed to my law clerk, Jennifer C. Chapman, at (202) 357-6358.

IT IS SO ORDERED.

S/ Christian J. Moran

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Christian J. Moran  
Special Master