

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-517V

(E-Filed: May 28, 2014)

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██████████,
as parents and natural guardians of, ██████,
a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

* * * * *

UNPUBLISHED

Special Master
Hamilton-Fieldman

Influenza Vaccine; Varicella Vaccine;
Immune Thrombocytopenia Purpura
("ITP"); Decision; Stipulation.

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Franklin John Caldwell, Maglio, Christopher & Toale, Sarasota, FL, for Petitioners.
Michael P. Milmo, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On August 5, 2010, Petitioners, ██████████, filed a petition seeking compensation under the National Vaccine Injury Compensation Program ("the Vaccine Program"). Petitioners alleged that their child, ██████, was injured by the administration of a varicella vaccine and an influenza vaccine administered on November 4, 2008, and that she thereafter suffered Immune Thrombocytopenia Purpura ("ITP").

¹ Because this unpublished decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this decision on the United States Court of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)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. *Id.*

Petitioners alleged that this condition was caused-in-fact by [REDACTED] receipt of the varicella and influenza vaccinations.²

Respondent denies that [REDACTED] vaccinations caused her injury. Nonetheless, both parties, while maintaining their above stated positions, agreed in a Stipulation, filed May 28, 2014, (“Stipulation”) that the issues before them can be settled and that a decision should be entered awarding Petitioners compensation.

The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

The stipulation awards:

A lump sum of \$75,000.00, in the form of a check payable to Petitioners as guardians/conservators of [REDACTED] estate, representing all damages available under 42 U.S.C. §300aa-15(a) to which Petitioners would be entitled.

Stipulation ¶ 8.

The undersigned approves the requested amounts for Petitioners’ compensation. 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.³

IT IS SO ORDERED.

s/Lisa D. Hamilton-Fieldman
Lisa D. Hamilton-Fieldman
Special Master

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C.A. § 300aa-10-§ 300aa-34 (West 1991 & Supp. 2002) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of notice renouncing the right to seek review.