

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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Special Master Christian J. Moran

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Petitioners,

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v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Stipulation; varicella vaccine;
seizure disorder.

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Respondent.

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Ramon Rodriguez , III, Rawls, McNelis and Mitchell, P.C., Richmond, VA, for
Petitioner;

Ryan Daniel Pyles, U.S. Department of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION¹

On _____ respondent filed a stipulation concerning the
petition for compensation filed by _____ on behalf of their
daughter, _____. In their petition, the petitioners alleged
that the varicella vaccine, which is contained in the Vaccine Injury Table (the
“Table”), 42 C.F.R. §100.3(a), and which _____ received on
_____ caused her to suffer seizure disorder and related sequelae. Petitioners further
allege that _____ suffered the residual effects of this injury for more than six
months. Petitioners represent that there has been no prior award or settlement of a
civil action for damages on _____ behalf as a result of her condition.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Respondent denies that the varicella vaccine caused _____ to suffer seizure disorder and related sequelae, or any other injury.

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 awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- a. A lump sum of **\$8,231.67**, which amount represents reimbursement of a _____ Medicaid lien, in the form of a check payable jointly to petitioners and _____

Petitioners agree to endorse this payment to the State;

- b. A lump sum of **\$14,432.69**, which amount represents reimbursement of a _____ second _____ Medicaid lien, in the form of a check payable jointly to petitioners and _____

Petitioners agree to endorse this payment to the State;

- c. A lump sum of **\$5,821.27**, which amount represents reimbursement of a _____ third _____ Medicaid lien, in the form of a check payable jointly to petitioners and _____

Petitioners agree to endorse this payment to the State; and

- d. A lump sum of **\$121,514.37**, in the form of a check payable to petitioners,

This amount represents compensation for all remaining 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 _____ according to this decision and the attached stipulation.²

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² 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.