

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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	*	No.
	*	Special Master Christian J. Moran
Petitioners,	*	
	*	
v.	*	Filed:
	*	
SECRETARY OF HEALTH	*	Stipulation; measles-mumps-rubella
AND HUMAN SERVICES,	*	(MMR) vaccine; Prevnar vaccine;
	*	Varicella vaccine; encephalopathy:
Respondent.	*	acute disseminated
	*	encephalomyelitis (ADEM)

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Edward M. Kraus, Law Offices of Chicago Kent, Chicago, I.L., for Petitioners;  
Chrysovalantis P. Kefalas, United States Department of Justice, Washington, D.C., for Respondent.

### UNPUBLISHED DECISION<sup>1</sup>

On \_\_\_\_\_, respondent filed a joint stipulation concerning the petition for compensation filed by \_\_\_\_\_, on behalf of their son, \_\_\_\_\_, on \_\_\_\_\_. In their petition, petitioners alleged that the Measles-Mumps-Rubella ("MMR"), Prevnar, and Varicella vaccines, which are contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. §100.3 (a), and which their son received on \_\_\_\_\_, caused him to suffer encephalopathy and acute disseminated encephalomyelitis ("ADEM") resulting in developmental delays. Petitioners represent that there has been no prior award or settlement of a civil action for damages on \_\_\_\_\_ behalf as a result of his condition.

Respondent denies that \_\_\_\_\_ suffered the onset of an encephalopathy within the time period set forth in the Table and denies that the MMR, Prevnar, and Varicella vaccines are the cause of \_\_\_\_\_ alleged ADEM, any other injury, or his current condition.

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<sup>1</sup>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.

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 payment of \$163,587.00 in the form of a check payable to petitioners, for past reimbursable expenses; and**
- B. A lump sum payment of \$436,413.00 in the form of a check payable to petitioners, as parents and natural guardians of**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 10-137V according to this decision and the attached stipulation.<sup>2</sup>

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

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<sup>2</sup> 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.