

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No.
Filed:

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Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Special Master Sanders

Joint Stipulation on Damages; Tetanus-Diphtheria-Acellular-Pertussis (“Tdap”) Vaccine; Chronic Inflammatory Demyelinating Polyneuropathy (“CIDP”); Annuity.

Edward M. Kraus, Law Offices of Chicago Kent, Chicago, IL, for Petitioner.
Alexis B. Babcock, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On _____ (“Petitioner”) filed a petition for compensation pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-10 to -34 (2012). Petitioner alleged that as a result of the tetanus-diphtheria-acellular-pertussis (“Tdap”) vaccine administered on _____, he suffered from chronic inflammatory demyelinating polyneuropathy (“CIDP”). *See* Stip. at ¶¶ _____ filed _____. Petitioner further alleged that he experienced symptoms of this injury for more than six months. *Id.* at ¶ ____.

On _____, the parties filed a stipulation in which they state that a decision should be entered awarding compensation to Petitioner. Respondent denies that the Tdap vaccine caused

¹ This decision shall be posted on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, the undersigned agrees that the identified material fits within the requirements of that provision, such material will be deleted from public access.

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-10 et seq. (hereinafter “Vaccine Act,” “the Act,” or “the Program”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

Petitioner's CIDP or any other injury. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds the stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

The parties stipulate that Petitioner shall receive the following compensation:

- a. **A lump sum of \$243,712.49, which amount represents compensation for first year life care expenses (\$14,132.24), pain and suffering (\$120,000.00), and past unreimbursable expenses (\$109,580.25), in the form of a check payable to petitioner; and**
- b. **An amount sufficient to purchase the annuity contract described in paragraph 10 [of the attached stipulation], paid to the life insurance company from which the annuity will be purchased (the "Life Insurance Company").**

Id. at ¶ .

The undersigned approves the requested amount for Petitioner's compensation. Accordingly, an award should be made consistent with the stipulation.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master

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.