

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 11-731V

Filed: December 7, 2012

Not for Publication

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██████████,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Damages decision based on  
stipulation; hepatitis B vaccine;  
multiple sclerosis

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Anne C. Toale, Sarasota, FL, for petitioner.

Ann D. Martin, Washington, DC, for respondent.

**MILLMAN, Special Master**

### **DECISION AWARDING DAMAGES<sup>1</sup>**

On December 6, 2012, the parties filed the attached stipulation in which they agreed to settle this case and described the settlement terms. Petitioner alleges that he suffered from multiple sclerosis as a result of his April 21, 2009, receipt of hepatitis B vaccine. Petitioner further alleges that he experienced the residual effects of this injury for more than six months. Respondent denies that petitioner's multiple sclerosis or any other injury or condition was caused in fact by hepatitis B vaccine. Respondent further denies that petitioner experienced the residual effects of any vaccine-related injury for more than six months. Nonetheless, the parties agreed to resolve this matter informally.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to redact such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall redact such material from public access.

The court finds the terms to be reasonable, hereby adopts the parties' stipulation, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards a lump sum of **\$575,000.00**, representing compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a). A check for \$575,000.00 shall be made payable to petitioner.

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.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: December 7, 2012

/s/ Laura D. Millman  
Laura D. Millman  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.