

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

(Filed: December 22, 2006)

DO NOT PUBLISH

JOANNE ARNOULT,	)	
mother and natural guardian of her daughter,	)	
JORDAN ARNOULT,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 05-1247V
	)	Stipulation
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
	)	

### DECISION DIRECTING ENTRY OF JUDGMENT<sup>1</sup>

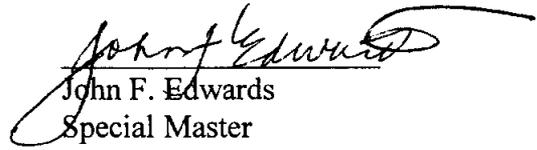
On December 21, 2006, the parties filed a stipulation. The special master has reviewed thoroughly the stipulation. He adopts completely the stipulation. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment based upon the stipulation in petitioner's favor.<sup>2</sup>

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<sup>1</sup> 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 trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and 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.*

<sup>2</sup> Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review. Then, under Vaccine Rule 12(a), petitioner may expedite payment by filing an election to accept the judgment.

The clerk of court shall send petitioner's copy of this decision to petitioner by overnight express delivery.

  
John F. Edwards  
Special Master

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

RECEIVED & FILED

DEC 21 2006

OFFICE OF THE CLERK  
U.S. COURT OF FEDERAL CLAIMS

JOANNE ARNOULT, mother and  
natural guardian of her  
daughter, JORDAN ARNOULT,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Respondent.

No. 05-1247V

Special Master  
Edwards

STIPULATION

The parties hereby stipulate to the following matters:

1. For her minor daughter, Jordan Arnoult, November 22, 2005, petitioner filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 to 300aa-34 (the "Vaccine Program"). The petition seeks compensation for injuries allegedly related to Jordan's receipt of the measles-mumps-rubella ("MMR") vaccination, inactivated polio ("IPV"), and diphtheria-tetanus-acellular pertussis ("DTaP") vaccines, which are listed in the Vaccine Injury Table (the "Table"), 42 U.S.C. § 300aa-14(a); 42 C.F.R. § 100.3(a).
2. Jordan received her immunizations on February 11, 2005.
3. The vaccines were administered within the United States.
4. Petitioner alleges that Jordan sustained the Table injury of anaphylaxis or anaphylactic shock. She further alleges

that as a result of the anaphylaxis or anaphylactic shock, Jordan developed the sequela of an overly-sensitized immune system. Alternatively, petitioner alleges that the vaccines caused in fact Jordan to suffer an abscess of the upper hip, with the sequela of an overly-sensitized immune system.

5. Petitioner represents that there has been no prior award or settlement of a civil action for damages on behalf of Jordan as a result of her condition.

6. Respondent denies that petitioner sustained a Table injury and denies that the vaccines caused in fact any or all of Jordan's injuries.

7. Maintaining their above-stated positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding the compensation described in paragraph 8 of this Stipulation.

8. As soon as practicable after an entry of judgment reflecting a decision consistent with the terms of this Stipulation, and after petitioner has filed an election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), the Secretary of Health and Human Services will issue the following vaccine compensation payment:

A lump sum of \$7,500.00 in the form of a check payable to petitioner as legal representative for Jordan Arnoult. This represents compensation for all damages available under 42 U.S.C. §300aa-15(a).

9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioner has filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the parties will submit to further proceedings before the special master to award reasonable attorney's fees and costs incurred in proceeding upon this petition.

10. Payment made pursuant to paragraph 8 (and any amounts awarded pursuant to paragraph 9) of this Stipulation will be made in accordance with 42 U.S.C. § 300aa-15(i), subject to the availability of sufficient statutory funds.

11. Petitioner represents that she presently is, or within 90 days of the date of judgment will become, duly authorized to serve as guardian of Jordan's estate under the laws of the State of Louisiana. No payments pursuant to this Stipulation shall be made until petitioner provides the Secretary with documentation establishing her appointment as guardian of Jordan's estate.

If petitioner is not authorized by a court of competent jurisdiction to serve as guardian of the estate of Jordan at the time a payment pursuant to this Stipulation is to be made, any such payment shall be paid to the party or parties appointed by a court of competent jurisdiction to serve as guardian of the estate of Jordan upon submission of written documentation of such appointment to the Secretary.

12. In return for the payment described in paragraph 8, and any amounts awarded pursuant to paragraph 9, petitioner, in her individual capacity and as legal representative of Jordan, on her own behalf, and on behalf of Jordan, her heirs, executors, administrators, successors, or assigns, does forever and fully expressly release, acquit, and discharge the Secretary of Health and Human Services and the United States of America from any and all actions, causes of action, agreements, judgments, claims, damages, loss of services, expenses, and all demands of whatever kind or nature on account of, or in any way growing out of, any and all known or unknown personal injuries to or death of Jordan resulting from, or alleged to have resulted from, the vaccinations administered on February 11, 2005, as alleged by petitioner in a petition for vaccine compensation filed on or about November 22, 2005, in the United States Court of Federal Claims as petition No. 05-1247V.

13. If Jordan should die prior to the Secretary making the payment described in paragraph 8, this agreement shall be considered voidable upon proper notice to the Court on behalf of either or both of the parties.

14. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation, or if the Court of Federal Claims fails to enter judgment in conformity with a decision that is in complete conformity with the terms of

this Stipulation, then the parties' settlement and this Stipulation shall be null and void at the sole discretion of either party.

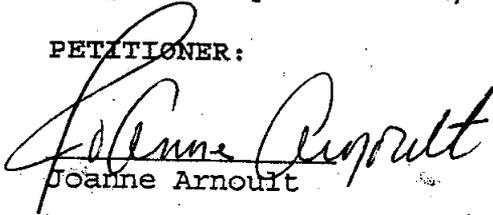
15. This Stipulation expresses a full, complete, and total settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended, except as otherwise noted in paragraph 9 above. There is absolutely no agreement on the part of the parties hereto to make any payment or to do any act or thing other than is herein expressly stated and clearly agreed to.

16. All rights and obligations of petitioner hereunder shall apply equally to her successors and assigns as legal representatives of Jordan Arnoult.

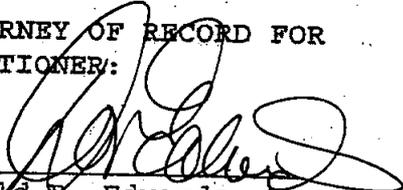
END OF STIPULATION

Respectfully submitted,

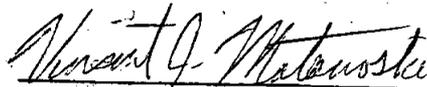
PETITIONER:

  
Joanne Arnouit

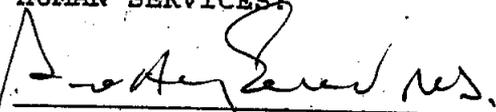
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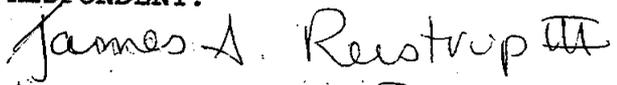
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Dated: 12-21-06