

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 \$150,000.00 in the form of a check payable to petitioners as legal representatives of the Estate of Alexis Crosby. This amount represents compensation for all 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 10-350V according to this decision and the attached stipulation.

Any questions may be directed to my law clerk, Jennifer C. Chapman, at (202) 357-6358.
IT IS SO ORDERED.

s/Christian J. Moran

Christian J. Moran
Special Master

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

_____)	
LAURA LA JOIE and BO ALLAN)	
CROSBY, parents and legal representatives)	
of the estate of ALEXIS CROSBY,)	
deceased,)	
)	No. 10-350V
Petitioners,)	Special Master Moran
)	ECF
v.)	
)	
SECRETARY OF HEALTH)	
AND HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

STIPULATION

The parties hereby stipulate to the following matters:

1. On behalf of the Estate of Alexis Crosby (“Alexis”), deceased, petitioners Laura La Joie and Bo Allan Crosby, as parents of Alexis, filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10 to 34 (the “Vaccine Program”). The petition seeks compensation for an injury, resulting in death, allegedly related to Alexis’ receipt of the diphtheria-tetanus-acellular pertussis, hepatitis B, inactivated polio, haemophilus influenzae, and rotavirus vaccines, which vaccines are contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. § 100.3 (a).
2. Alexis received the vaccines on or about April 23, 2009.
3. The vaccines were administered within the United States.
4. Petitioners allege that Alexis died as a result of the vaccinations she received on April 23, 2009.

5. Petitioners represent that there has been no prior award or settlement of a civil action for damages on behalf of the Estate of Alexis Crosby as a result of Alexis' alleged injuries or death.

6. Respondent denies that the vaccines received by Alexis caused any injury; and denies that Alexis's death occurred as the result of a vaccine-related injury.

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 **\$150,000.00** in the form of a check payable to petitioners as legal representative of the Estate of Alexis Crosby. This amount represents compensation for all damages that would be 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 petitioners have 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 attorneys' fees and costs incurred in proceeding upon this petition.

10. Payments 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. Petitioners represent that they presently are, or within 90 days of the date of judgment will become, duly authorized to serve as legal representative of the Estate of Alexis Crosby under the laws of the State of Florida.

12. In return for the payments described in paragraphs 8 and 9, petitioners, in their individual capacity and as legal representatives of the Estate of Alexis Crosby, on behalf of Alexis's heirs, executors, administrators, successors or assigns, does forever irrevocably and unconditionally release, acquit and discharge the United States and the Secretary of Health and Human Services from any and all actions or causes of action (including agreements, judgments, claims, damages, loss of services, expenses and all demands of whatever kind or nature) that have been brought, could have been brought, or could be timely brought in the Court of Federal Claims, under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 et seq., on account of, or in any way growing out of, any and all known or unknown, suspected or unsuspected personal injuries to or death of Alexis Crosby resulting from, or alleged to have resulted from, the vaccinations administered on or about April 23, 2009, as alleged by petitioners in a petition for vaccine compensation filed on or about June 7, 2010, in the United States Court of Federal Claims as petition No. 10-350V, and in the amended petition for compensation filed on or about December 6, 2010, in the United States Court of Federal Claims.

13. 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 voidable at the sole discretion of either party.

14. This Stipulation expresses a full and complete negotiated settlement of liability and

Respectfully submitted,

PETITIONERS:


LAURA LAJOIE


BO ALLAN CROSBY

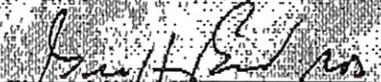
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Dated: October 2, 2012