

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

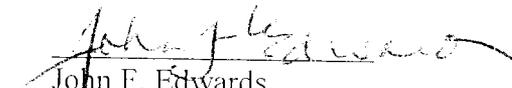
(Filed: October 13, 2005)

DEBRA JEAN BAKER,)	
)	
Petitioner,)	
)	
v.)	No. 03-0799V
)	DO NOT PUBLISH
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION DIRECTING ENTRY OF JUDGMENT¹

The parties filed a stipulation on October 11, 2005. 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.²

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


John F. Edwards
Special Master

¹ 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.*

² 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 UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

DEBRA JEAN BAKER,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

No. 03-799V

Special Master Edwards

OCT 11 2005

SEP 14 2005

STIPULATION

It is hereby stipulated by and between the parties, the following matters:

1. Petitioner filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 et seq. (the "Vaccine Program"). The petition seeks compensation for injuries allegedly related to Debra Baker's receipt of the MMR and hepatitis B vaccines, which vaccines are contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. § 100.3(a)(III), (VIII).
2. Debra received her first hepatitis B and second MMR immunization on July 14, 2000.
3. The vaccines were administered within the United States.
4. Petitioner alleges that she sustained the first symptom or manifestation of the onset of anaphylaxis within the time period set forth in the Table. She further alleges that she developed intractable seizures, syncope, dizziness, frequent severe and debilitating headaches, and body aches as sequelae of her Table injury. In the alternative, petitioner alleges that the Hepatitis B and MMR vaccines actually caused her seizures, syncope, dizziness, headaches, body aches, and other symptoms.

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

6. Respondent's Rule 4 Report denies that petitioner suffered the onset of anaphylaxis within the time period set forth in the Table, and denies that her current symptoms are sequelae of her alleged Table injury. Respondent also denies that petitioner's symptoms were actually caused by her receipt of the Hepatitis B and MMR vaccines on July 14, 2000.

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 payments:

- a. A lump sum of \$17,500.00 in the form of a check payable to petitioner. This amount represents compensation for all items of compensation under 42 U.S.C. § 300aa-15(a); and, in compliance with General Order #9, no out-of-pocket expenses were incurred by petitioner in proceeding on the petition;
- b. A lump sum of \$30,500.00 in the form of a check payable to petitioner and petitioner's attorney, Michael A. London, of Douglas & London, for attorney's fees and costs.

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

10. In return for the payments described in paragraph 8, petitioner, on behalf of herself, 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 petitioner resulting from, or alleged to have resulted from, the MMR and Hepatitis B vaccinations administered on July 14, 2000, as alleged by petitioner in a petition for vaccine compensation filed on or about April 21, 2003, in the United States Court of Federal Claims as petition No. 03-799V.

11. In the event petitioner should die prior to the Secretary making any or all of the payments described in paragraph 8(a), this agreement shall be considered voidable upon proper notice to the Court on behalf of either or both of the parties.

12. In the event the special master fails to issue a decision in complete conformity with the terms of this Stipulation or in the event 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.

13. This Stipulation expresses a full and complete settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended. 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.

14. All rights and obligations of petitioner hereunder shall apply equally to her successors and assigns.

END OF STIPULATION

Respectfully submitted,

PETITIONER:

Debra Jean Baker
DEBRA JEAN BAKER

**ATTORNEY OF RECORD FOR
PETITIONER:**

[Signature]

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**AUTHORIZED REPRESENTATIVE OF
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[Signature]

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Date: October 11, 2005

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