

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

No. 04-1528V

(E-Filed: December 23, 2009)

SARAH FREEMAN)	
)	
Petitioner,)	UNPUBLISHED
)	
v.)	Proffer on Award of Entitlement
)	
SECRETARY OF THE DEPARTMENT OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

Ron Homer, Boston, MA, for petitioner.

Katherine Carr Esposito, Washington, DC, for respondent.

DECISION¹

On October 7, 2004, Wendy Freeman, filed a petition pursuant to the National Vaccine Injury Compensation Program² (Vaccine Program or Program) seeking

¹ Because this Ruling contains a reasoned explanation for the special master's action in this case, the special master intends to post this order on the United States Court of Federal Claims' 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 of the decisions of the special masters will be made available to the public unless an issued decision contains trade secrets or commercial or financial information that is privileged or confidential, or the decision contains medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. When a special master files a decision or substantive order with the Clerk of the Court, each party has 14 days within which to identify and move for the redaction of privileged or confidential information before the document's public disclosure.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended,

compensation for rheumatological injuries sustained by her then-minor daughter, Sarah Freeman (Sarah) as a result of the hepatitis B vaccination that she received on October 17, 2001. Petition at 1. After reaching the age of majority, Sarah moved to amend the case caption. See Petitioner's Motion to Amend the Caption. The undersigned granted the motion to amend, and Sarah is now the petitioner in this case. On December 8, 2009, the undersigned issued a Ruling on Entitlement³ finding that petitioner was entitled to compensation under the Vaccine Program. Accordingly, a determination of damages is appropriate.

On December 21, 2009, respondent filed Respondent's Proffer on Award of Compensation ("Proffer"). Petitioner agrees with all aspects of the Proffer. See generally, Proffer. Based upon the record as a whole, the special master finds that the Proffer is reasonable and appropriate.⁴ Pursuant to that Proffer, the court awards petitioner:

1. A lump sum payment of \$538,143.87, representing life care expenses for Year One (\$23,037.83), lost earnings (\$320,996.95), pain and suffering (\$193,041.88), and past unreimbursable expenses (\$1,067.21) in the form of a check payable to petitioner, Sarah Freeman.

The parties agree that compensation beyond the first year post-judgment (beginning on the first anniversary of the date of judgment) and all subsequent years shall be paid in the form of an annuity. As provided in the Proffer, respondent shall purchase, and take ownership of, as soon as practicable after entry of judgment, an annuity contract that will provide payments for the life care items contained in the life care plan, as attached in the Proffer, Tab A, paid to the life insurance company⁵ from which the

42 U.S.C. § 300aa-10 et seq. (2006) (Vaccine Act or the Act). All citations in this Ruling to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

³ The Ruling on Entitlement was re-issued for publication on December 9, 2009.

⁴ By reference, the special master incorporates respondent's Proffer into this decision on entitlement and damages.

⁵ The annuity contract shall be purchased from an insurance company that meets the following criteria, adapted from the Proffer; these criteria appear to be based upon the December 1990 draft of the Uniform Periodic Payment of Judgments Act.

- 1) has a minimum of \$250,000,000 of capital and surplus, exclusive of any mandatory security valuation reserve; and
- 2) has one of the following ratings from two of the following rating organizations:
 - a) A.M. Best Company: A++, A+, A+g, A+p, A+r or A+s;
 - b) Moody's Investors Service Claims Paying Rating: Aa3, Aa2, Aa1 or

annuity will be purchased. See Proffer at 3, section II(B); Proffer at 4, section III(B); see also § 300aa-15(a)(1)(A). The annuity payments shall be payable directly to petitioner, Sarah Freeman, only so long as Sarah Freeman is alive at the time a particular payment is due. See Proffer at 4, section II(B)(2). As provided in the Proffer, the annuity contract shall provide for a 4% growth rate for all non-medical life care items listed in Proffer, Tab A. See Proffer at 4, section II(B)(1). As provided in the Proffer, the annuity contract shall provide for a 5% growth rate for all medical life care items listed in Proffer, Tab A. See Proffer at 4, section II(B)(1). As provided in the Proffer, the growth rate shall be applied and compounded beginning on the date of judgment. Id.

Based upon the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Proffer. 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' Proffer.⁶

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Special Master

-
- Aaa;
c) Standard and Poor's Corporation Insurer Claims-Paying Ability Rating: AA-, AA, AA+ or AAA;
d) Fitch Credit Rating Company, Insurance Company Claims Paying Ability Rating: AA-, AA, AA+ or AAA.

⁶ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

B. Lost Earnings

The parties agree that based upon the evidence of record, petitioner has suffered a partial loss of earnings related to her vaccine injury and that it is unlikely that she will be employed in a full-time capacity throughout her normal work-life. Therefore, respondent proffers that Sarah Freeman should be awarded \$320,996.95 in lost earnings as provided under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(3)(B). Petitioner agrees.

C. Pain and Suffering

Respondent proffers that Sarah Freeman should be awarded \$193,041.88 in actual and projected pain and suffering. This amount reflects that the award for projected pain and suffering has been reduced to net present value. See 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

D. Past Unreimbursable Expenses

Evidence supplied by petitioner documents her expenditure of past unreimbursable expenses. Respondent proffers that petitioner, Sarah Freeman, is entitled to total past unreimbursable expenses in the amount of \$1,067.21. Petitioner agrees.

E. Medicaid Lien

Petitioner represents that there are no Medicaid liens outstanding against her.

II. Form of the Award

The parties recommend that the compensation provided to Sarah Freeman should be made through a combination of a lump sum payment and future annuity payments as described below, and request that the special master's decision and the Court's judgment award the following:

A. A lump sum payment of \$538,143.87, representing life care expenses for Year One (\$23,037.83), lost earnings (\$320,996.95), pain and suffering (\$193,041.88), and past unreimbursable expenses payable to petitioner (\$1,067.21), in the form of a check payable to Sarah Freeman, petitioner;

B. An amount sufficient to purchase an annuity contract, subject to the conditions described below, that will provide payments for the life care items contained in the life care plan, as illustrated by the chart at Tab A attached hereto, paid to the life insurance company² from which the annuity will be purchased. Compensation for Year Two (beginning on the first anniversary of the date of judgment) and all subsequent years shall be provided through respondent's purchase of an annuity, which annuity shall make payments directly to petitioner, Sarah Freeman, only so long as Sarah Freeman is alive at the time a particular payment is due. At the Secretary's sole discretion, the periodic payments may be provided to petitioner in monthly, quarterly, annual or other installments. The "annual amounts" set forth in the chart at Tab A describe only the total yearly sum to be paid to petitioner and do not require that the payment be made in one annual installment.

² The Life Insurance Company must have a minimum of \$250,000,000.00 capital and surplus, exclusive of any mandatory security valuation reserve. The Life Insurance Company must have one of the following ratings from two of the following rating organizations:

- a. A.M. Best Company: A++, A+, A+g, A+p, A+r, or A+s;
- b. Moody's Investor Service Claims Paying Rating: Aa3, Aa2, Aa1, or Aaa;
- c. Standard and Poor's Corporation Insurer Claims-Paying Ability Rating: AA-, AA, AA+, or AAA;
- d. Fitch Credit Rating Company, Insurance Company Claims Paying Ability Rating: AA-, AA, AA+, or AAA.

1. Growth Rate

Respondent proffers that a four percent (4%) growth rate should be applied to all non-medical life care items, and a five percent (5%) growth rate should be applied to all medical life care items. Thus, the benefits illustrated in the chart at Tab A that are to be paid through annuity payments should grow as follows: four percent (4%) compounded annually from the date of judgment for non-medical items, and five percent (5%) compounded annually from the date of judgment for medical items. Petitioner agrees.

2. Life-contingent annuity

Petitioner will continue to receive the annuity payments from the Life Insurance Company only so long as she, Sarah Freeman, is alive at the time that a particular payment is due. Petitioner agrees to make arrangements to ensure that written notice is provided to the Secretary of Health and Human Services and the Life Insurance Company within twenty (20) days of Sarah Freeman's death.

3. Guardianship

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

III. Summary of Recommended Payments Following Judgment

- A. Lump Sum paid to petitioner: **\$ 538,143.87**
- B. An amount sufficient to purchase the annuity contract described above in section II. B.

Respectfully submitted,

TONY WEST
Assistant Attorney General

TIMOTHY P. GARREN
Director
Torts Branch, Civil Division

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s/Katherine C. Esposito
KATHERINE C. ESPOSITO
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Dated: December 18, 2009

ITEMS OF COMPENSATION	G.R.	*	M	Lump Sum Compensation Year 1	Compensation Year 2	Compensation Year 3	Compensation Year 4	Compensation Year 5	Compensation Year 6	Compensation Year 7	Compensation Year 8
				2010	2011	2012	2013	2014	2015	2016	2017
Batteries	4%										
Grooming Items	4%			300.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Kitchen Aids	4%			300.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Voice Activated Computer	4%			109.94					109.94		
Ergo Arm Rest	4%			147.00					147.00		
Natures Gate Cleansing Prods.	4%			1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00
Sunscreen	4%			228.00	228.00	228.00	228.00	228.00	228.00	228.00	228.00
SPF Clothing	4%			206.00	206.00	206.00	206.00	206.00	206.00	206.00	206.00
Treadmill	4%										
Health Club Membership	4%		M	502.00	300.00	300.00	300.00	300.00	300.00	300.00	300.00
Vocational Eval	4%			750.00							
Homemaker	4%		M	4,160.00	4,160.00	4,160.00	4,160.00	4,160.00	4,160.00	4,160.00	4,160.00
Home Health Aide	4%		M								
Advanced Healthcare SNF	4%		M								
Handicapped Van	4%										
Hand Controls	4%			600.00							
Bruno Turning Auto Seating	4%			6,500.00							
Maint on Access Features	4%			337.50	337.50	337.50	337.50	337.50	337.50	337.50	337.50
Driver Eval	4%			848.00							
Home Mods	4%										
Home Maint	4%		M								
Lost Earnings				320,996.95							
Pain & Suffering				193,041.88							
Past Unreimbursable Expenses				1,067.21							
Annual Totals				538,143.87	8,963.04	23,303.71	22,803.71	23,230.35	27,080.11	23,385.17	23,330.07

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.
 Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.
 As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$23,037.83), lost earnings (\$320,996.95), pain and suffering (\$193,041.88), and past unreimbursable expenses (\$1,067.21): \$538,143.87.
 Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment. Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment. Items denoted with an asterisk (*) covered by health insurance and/or Medicare. Items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 9	Compensation Year 10	Compensation Year 11	Compensation Year 12	Compensation Year 13	Compensation Year 14	Compensation Year 15	Compensation Year 16
				2018	2019	2020	2021	2022	2023	2024	2025
Batteries	4%										
Grooming Items	4%			100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Kitchen Aids	4%			100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Voice Activated Computer	4%					109.94					109.94
Ergo Arm Rest	4%					147.00					147.00
Natures Gate Cleansing Prods.	4%			1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00
Sunscreen	4%			228.00	228.00	228.00	228.00	228.00	228.00	228.00	228.00
SPF Clothing	4%			206.00	206.00	206.00	206.00	206.00	206.00	206.00	206.00
Treadmill	4%				999.00	66.60	66.60	66.60	66.60	66.60	66.60
Health Club Membership	4%		M	300.00	300.00	300.00	300.00	300.00	300.00	300.00	300.00
Vocational Eval	4%					750.00					
Homemaker	4%		M	4,160.00	4,160.00	6,240.00	6,240.00	6,240.00	6,240.00	6,240.00	6,240.00
Home Health Aide	4%		M								
Advanced Healthcare SNF	4%		M								
Handicapped Van	4%										
Hand Controls	4%					600.00					
Bruno Turning Auto Seating	4%					6,500.00					
Maint on Access Features	4%			337.50	337.50	337.50	337.50	337.50	337.50	337.50	337.50
Driver Eval	4%					848.00					
Home Mods	4%										
Home Maint	4%		M								
Lost Earnings											
Pain & Suffering											
Past Unreimbursable Expenses											
Annual Totals				23,810.17	24,159.17	37,889.71	26,108.41	25,871.77	25,471.77	26,641.67	29,851.66

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.
 Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.
 As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$23,037.83), lost earnings (\$320,996.95), pain and suffering (\$193,041.88), and past unreimbursable expenses (\$1,067.21): \$538,143.87.
 Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment. Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment. Items denoted with an asterisk (*) covered by health insurance and/or Medicare.
 Items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 17	Compensation Year 18	Compensation Year 19	Compensation Year 20	Compensation Year 21	Compensation Year 22	Compensation Year 23	Compensation Year 24
				2026	2027	2028	2029	2030	2031	2032	2033
Batteries	4%										
Grooming Items	4%			100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Kitchen Aids	4%			100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Voice Activated Computer	4%			21.99	21.99	21.99	21.99	21.99	21.99	21.99	21.99
Ergo Arm Rest	4%			29.40	29.40	29.40	29.40	29.40	29.40	29.40	29.40
Natures Gate Cleansing Prods.	4%			1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00
Sunscreen	4%			228.00	228.00	228.00	228.00	228.00	228.00	228.00	228.00
SPF Clothing	4%			206.00	206.00	206.00	206.00	206.00	206.00	206.00	206.00
Treadmill	4%			66.60	66.60	66.60	66.60	66.60	66.60	66.60	66.60
Health Club Membership	4%		M	300.00	300.00	300.00	300.00	300.00	300.00	300.00	300.00
Vocational Eval	4%							750.00	75.00	75.00	75.00
Homemaker	4%		M	6,240.00	6,240.00	6,240.00					
Home Health Aide	4%		M				14,560.00	14,560.00	14,560.00	14,560.00	14,560.00
Advanced Healthcare SNF	4%		M								
Handicapped Van	4%										
Hand Controls	4%							600.00			
Bruno Turning Auto Seating	4%							6,500.00			
Maint on Access Features	4%			337.50	337.50	337.50	337.50	337.50	337.50	337.50	337.50
Driver Eval	4%							848.00			
Home Mods	4%										
Home Maint	4%		M								
Lost Earnings											
Pain & Suffering											
Past Unreimbursable Expenses											
Annual Totals				26,019.49	26,394.49	26,231.13	34,600.99	47,335.27	35,294.17	35,213.54	34,988.54

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.
 Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.
 As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$23,037.83), lost earnings (\$320,996.95), pain and suffering (\$193,041.88), and past unreimbursable expenses (\$1,067.21): \$538,143.87.
 Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment. Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment. Items denoted with an asterisk (*) covered by health insurance and/or Medicare.
 Items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 25	Compensation Year 26	Compensation Year 27	Compensation Year 28	Compensation Year 29	Compensation Year 30	Compensation Year 31	Compensation Years 32-35
				2034	2035	2036	2037	2038	2039	2040	2041-2044
Tri-Care Prime Enrollment Fee	5%										
CIGNA Premium	5%		M	8,628.00	8,628.00	8,628.00	8,628.00	8,628.00	8,628.00	8,628.00	8,628.00
CIGNA Deductible	5%			2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
CIGNA Prescription Deductible	5%			100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
CIGNA MOP	5%			2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
Medicare	5%										
Medigap	5%										
Aetna Medicare Rx	5%										
Aetna Medicare Rx Drugs	5%										
Rheuma-tologist	5%	*		200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00
Primary Care Physician	5%	*		25.00		25.00		25.00		25.00	25.00
Orthopedic MD or PM&R	5%	*		50.00		50.00		50.00		50.00	50.00
Cardiologist	5%	*		50.00		50.00		50.00		50.00	50.00
Dermatologist	5%	*		50.00		50.00		50.00		50.00	50.00
Nephrologist	5%	*		50.00		50.00		50.00		50.00	50.00
Ophthalmologist	5%	*		50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
ER	5%	*									
Hospitalization	5%	*									
X-rays	5%	*									
Cat Scan	5%	*									
MRI	5%	*									
Lab Work	5%	*									
EKG	5%	*									
Lyrica	5%	*		340.00	340.00	340.00	340.00	340.00	340.00	340.00	340.00
Plaquenil	5%	*									
Prednisone	5%	*		10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Methotrexate	5%	*		340.00	340.00	340.00	340.00	340.00	340.00	340.00	340.00
Mobic	5%	*		600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00
Humira	5%	*		340.00	340.00	340.00	340.00	340.00	340.00	340.00	340.00
Aleve	4%			91.21	91.21	91.21	91.21	91.21	91.21	91.21	91.21
Wobenzym	4%			450.00	450.00	450.00	450.00	450.00	450.00	450.00	450.00
OPC Grape Gold	4%			210.00	210.00	210.00	210.00	210.00	210.00	210.00	210.00
Boswellia Cream	4%			104.00	104.00	104.00	104.00	104.00	104.00	104.00	104.00
PT Eval	4%	*		195.00	780.00	780.00	780.00	780.00	780.00	1,950.00	1,950.00

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 25	Compensation Year 26	Compensation Year 27	Compensation Year 28	Compensation Year 29	Compensation Year 30	Compensation Year 31	Compensation Years 32-35
				2034	2035	2036	2037	2038	2039	2040	2041-2044
Batteries	4%					164.00	82.00	82.00	82.00	82.00	82.00
Grooming Items	4%			100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Kitchen Aids	4%			100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Voice Activated Computer	4%			21.99	21.99	21.99	21.99	21.99	21.99	21.99	21.99
Ergo Arm Rest	4%			29.40	29.40	29.40	29.40	29.40	29.40	29.40	29.40
Natures Gate Cleansing Prods.	4%			1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00
Sunscreen	4%			228.00	228.00	228.00	228.00	228.00	228.00	228.00	228.00
SPF Clothing	4%			206.00	206.00	206.00	206.00	206.00	206.00	206.00	206.00
Treadmill	4%			66.60	66.60	66.60	66.60	66.60	66.60	66.60	66.60
Health Club Membership	4%		M	300.00	300.00	300.00	300.00	300.00	300.00	300.00	300.00
Vocational Eval	4%			75.00	75.00	75.00	75.00	75.00	75.00	75.00	
Homemaker	4%		M								
Home Health Aide	4%		M	14,560.00	14,560.00	14,560.00	14,560.00	14,560.00	21,840.00	21,840.00	21,840.00
Advanced Healthcare SNF	4%		M								
Handicapped Van	4%			36,135.00	2,913.50	2,913.50	2,913.50	2,913.50	2,913.50	2,913.50	2,913.50
Hand Controls	4%			600.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
Bruno Turning Auto Seating	4%			6,500.00	650.00	650.00	650.00	650.00	650.00	650.00	650.00
Maint on Access Features	4%			337.50	337.50	337.50	337.50	337.50	337.50	337.50	337.50
Driver Eval	4%										
Home Mods	4%			75,000.00							
Home Maint	4%		M	1,920.00	1,920.00	1,920.00	1,920.00	1,920.00	1,920.00	1,920.00	1,920.00
Lost Earnings											
Pain & Suffering											
Past Unreimbursable Expenses											
Annual Totals				169,324.49	43,210.32	43,599.32	43,292.32	43,517.32	50,572.32	53,137.32	53,062.32

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.
 Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.
 As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$23,037.83), lost earnings (\$320,996.95), pain and suffering (\$193,041.88), and past unreimbursable expenses (\$1,067.21): \$538,143.87.
 Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment. Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment. Items denoted with an asterisk (*) covered by health insurance and/or Medicare.
 Items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Years 36-39 2045-2048	Compensation Years 40-44 2049-2053	Compensation Year 45 2054	Compensation Year 46 2055	Compensation Years 47-49 2056-2058	Compensation Year 50 2059	Compensation Years 51-54 2060-2063	Compensation Year 55 2064
Tri-Care Prime Enrollment Fee	5%										
CIGNA Premium	5%		M	8,628.00	8,628.00						
CIGNA Deductible	5%			2,000.00	2,000.00						
CIGNA Prescription Deductible	5%			100.00	100.00						
CIGNA MOP	5%			2,500.00	2,500.00						
Medicare	5%					1,156.80	1,156.80	1,156.80	1,156.80	1,156.80	1,156.80
Medigap	5%					1,416.00	1,416.00	1,416.00	1,416.00	1,416.00	1,416.00
Aetna Medicare Rx	5%					1,212.00	1,212.00	1,212.00	1,212.00	1,212.00	1,212.00
Aetna Medicare Rx Drugs	5%					5,457.56	5,457.56	5,457.56	5,457.56	5,457.56	5,457.56
Rheuma-tologist	5%	*		200.00	200.00						
Primary Care Physician	5%	*		25.00	25.00						
Orthopedic MD or PM&R	5%	*		50.00	50.00						
Cardiologist	5%	*		50.00	50.00						
Dermatologist	5%	*		50.00	50.00						
Nephrologist	5%	*		50.00	50.00						
Ophthalmologist	5%	*		50.00	50.00						
ER	5%	*									
Hospitalization	5%	*									
X-rays	5%	*									
Cat Scan	5%	*									
MRI	5%	*									
Lab Work	5%	*									
EKG	5%	*									
Lyrica	5%	*		340.00	340.00						
Plaquenil	5%	*									
Prednisone	5%	*		10.00	10.00						
Methotrexate	5%	*		340.00	340.00						
Mobic	5%	*		600.00	600.00						
Humira	5%	*		340.00	340.00						
Aleve	4%			91.21	91.21	91.21	91.21	91.21	91.21	91.21	91.21
Wobenzym	4%			450.00	450.00	450.00	450.00	450.00	450.00	450.00	450.00
OPC Grape Gold	4%			210.00	210.00	210.00	210.00	210.00	210.00	210.00	210.00
Boswellia Cream	4%			104.00	104.00	104.00	104.00	104.00	104.00	104.00	104.00
PT Eval	4%	*		1,950.00	1,950.00						

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Years 36-39 2045-2048	Compensation Years 40-44 2049-2053	Compensation Year 45 2054	Compensation Year 46 2055	Compensation Years 47-49 2056-2058	Compensation Year 50 2059	Compensation Years 51-54 2060-2063	Compensation Year 55 2064
Batteries	4%			82.00	82.00	82.00	82.00	82.00	82.00	82.00	82.00
Grooming Items	4%			100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Kitchen Aids	4%			100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Voice Activated Computer	4%			21.99	21.99	21.99	21.99	21.99	21.99	21.99	21.99
Ergo Arm Rest	4%			29.40	29.40	29.40	29.40	29.40	29.40	29.40	29.40
Natures Gate Cleansing Prods.	4%			1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00	1,160.00
Sunscreen	4%			228.00	228.00	228.00	228.00	228.00	228.00	228.00	228.00
SPF Clothing	4%			206.00	206.00	206.00	206.00	206.00	206.00	206.00	206.00
Treadmill	4%			66.60	66.60	66.60	66.60	66.60	66.60	66.60	66.60
Health Club Membership	4%		M	300.00	300.00	300.00	300.00	300.00			
Vocational Eval	4%										
Homemaker	4%		M								
Home Health Aide	4%		M	29,120.00	43,680.00	58,240.00	58,240.00	58,240.00	58,240.00	72,800.00	72,800.00
Advanced Healthcare SNF	4%		M								
Handicapped Van	4%			2,913.50	2,913.50	2,913.50	2,913.50	2,913.50	2,913.50	2,913.50	2,913.50
Hand Controls	4%			60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
Bruno Turning Auto Seating	4%			650.00	650.00	650.00	650.00	650.00	650.00	650.00	650.00
Maint on Access Features	4%			337.50	337.50	337.50	337.50	337.50	337.50	337.50	337.50
Driver Eval	4%										
Home Mods	4%										
Home Maint	4%		M	1,920.00	1,920.00	1,920.00	1,920.00	1,920.00	1,920.00	1,920.00	1,920.00
Lost Earnings											
Pain & Suffering											
Past Unreimbursable Expenses											
Annual Totals				60,342.32	74,902.32	79,206.48	79,176.65	79,145.32	78,786.99	93,346.99	91,426.99

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.
 Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.
 As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$23,037.83), lost earnings (\$320,996.95), pain and suffering (\$193,041.88), and past unreimbursable expenses (\$1,067.21): \$538,143.87.
 Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment. Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment. Items denoted with an asterisk (*) covered by health insurance and/or Medicare. Items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

ITEMS OF COMPENSATION	G.R.	*	M	Compensation	Compensation
				Years 56-60	Years 61-Life
				2065-2069	2070-Life
Tri-Care Prime Enrollment Fee	5%				
CIGNA Premium	5%		M		
CIGNA Deductible	5%				
CIGNA Prescription Deductible	5%				
CIGNA MOP	5%				
Medicare	5%			1,156.80	1,156.80
Medigap	5%			1,416.00	1,416.00
Aetna Medicare Rx	5%			1,212.00	1,212.00
Aetna Medicare Rx Drugs	5%			5,457.56	5,457.56
Rheuma-tologist	5%	*			
Primary Care Physician	5%	*			
Orthopedic MD or PM&R	5%	*			
Cardiologist	5%	*			
Dermatologist	5%	*			
Nephrologist	5%	*			
Ophthalmologist	5%	*			
ER	5%	*			
Hospitalization	5%	*			
X-rays	5%	*			
Cat Scan	5%	*			
MRI	5%	*			
Lab Work	5%	*			
EKG	5%	*			
Lyrica	5%	*			
Plaquenil	5%	*			
Prednisone	5%	*			
Methotrexate	5%	*			
Mobic	5%	*			
Humira	5%	*			
Aleve	4%			91.21	91.21
Wobenzym	4%			450.00	450.00
OPC Grape Gold	4%			210.00	210.00
Boswellia Cream	4%			104.00	104.00
PT Eval	4%	*			

ITEMS OF COMPENSATION	G.R.	*	M	Compensation	Compensation
				Years 56-60	Years 61-Life
				2065-2069	2070-Life
OT Eval	4%	*			
Counseling	4%	*			
Nutritional Eval	4%				
Shoe Inserts	4%			300.00	300.00
Hand Splints	4%	*			
Cane	4%	*			
Cane Tips	4%				
Walker	4%	*		4.97	4.97
Walker Tips	4%			7.53	7.53
Carryall Bag	4%			3.87	3.87
Scooter	4%				
Batteries & Maint for Scooter	4%				
Scooter Arm Tote	4%				
Scooter Carrier	4%				
Scooter Cover	4%				
Portable Ramp	4%				
Manual WC	4%			55.80	55.80
Carry Pack for Manual WC	4%			8.40	8.40
Power WC	4%	*			
WC Carrying Pack	4%			5.60	5.60
WC Battery	4%			184.00	184.00
WC Maint	4%			120.00	120.00
Jay Cushion	4%			81.80	81.80
Jay Cushion Covers	4%			72.00	72.00
Flex a Bed	4%			313.50	313.50
Bed Maint	4%			135.00	135.00
Air Mattress	4%			399.00	399.00
Medical Alert	4%			401.28	401.28
Reacher	4%			5.23	5.23
Toilet Seat	4%			32.85	32.85
Hand Held Shower	4%			6.42	6.42
Shower & Rehab Shower Chair	4%			44.28	44.28
ECU	4%			355.00	355.00
Microphone & Mounting	4%			37.90	37.90

ITEMS OF COMPENSATION	G.R.	*	M	Compensation	Compensation
				Years 56-60	Years 61-Life
				2065-2069	2070-Life
Batteries	4%			82.00	82.00
Grooming Items	4%			100.00	100.00
Kitchen Aids	4%			100.00	100.00
Voice Activated Computer	4%			21.99	21.99
Ergo Arm Rest	4%			29.40	29.40
Natures Gate Cleansing Prods.	4%			1,160.00	1,160.00
Sunscreen	4%			228.00	228.00
SPF Clothing	4%			206.00	206.00
Treadmill	4%			66.60	66.60
Health Club Membership	4%		M		
Vocational Eval	4%				
Homemaker	4%		M		
Home Health Aide	4%		M	87,360.00	
Advanced Healthcare SNF	4%		M		94,717.50
Handicapped Van	4%			2,913.50	2,913.50
Hand Controls	4%			60.00	60.00
Bruno Turning Auto Seating	4%			650.00	650.00
Maint on Access Features	4%			337.50	337.50
Driver Eval	4%				
Home Mods	4%				
Home Maint	4%		M		
Lost Earnings					
Pain & Suffering					
Past Unreimbursable Expenses					
Annual Totals				105,986.99	113,344.49

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.
 Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.
 As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$23,037.83), lost earnings (\$320,996.95), pain and suffering (\$193,041.88), and past unreimbursable expenses (\$1,067.21): \$538,143.87.
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 Items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.