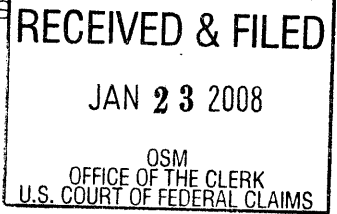


IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS



DAPHNE Q. HILL)
)
Petitioner,)
)
v.)
)
SECRETARY OF HEALTH AND)
HUMAN SERVICES,)
)
Respondent.)
_____)

No. 05-989V
Special Master Edwards

STIPULATION

The parties hereby stipulate to the following matters:

1. Daphne Hill, petitioner, 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 injuries allegedly related to petitioner's receipt of the influenza vaccine, which vaccine is contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. § 100.3(a) (XIV).¹

2. Petitioner received a trivalent influenza vaccine on October 15, 2004.

3. The vaccine was administered within the United States.

4. Petitioner alleges that she suffered a viral syndrome, with symptoms that included constant and unremitting aches and

¹ As of July 1, 2005, trivalent influenza vaccines have been added to the Table under this category. 70 Fed. Reg. 19,092 (April 12, 2005) (to be codified at 42 C.F.R. pt. 100.3).

pain, cognitive impairment, difficulty with thermoregulation, disturbed sleep, weakness, and tingling in her extremities, as a result of her vaccination. She further alleges that she developed fibromyalgia as a sequelae of her injury.

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

6. Respondent denies that petitioner's alleged injury was vaccine-related, and denies that she suffers any current disabilities that are sequelae of her alleged 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 payments:

a. A lump sum of \$40,000.00 in the form of a check payable to petitioner. This amount represents compensation for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled; and

b. A lump sum of \$18,500.00 in the form of a check payable to petitioner and petitioner's attorney, David L. Terzian, for attorneys' fees and costs, and,

c. In compliance with General Order No. 9, a lump sum of \$250.00 to be paid to petitioner for out-of-pocket expenses incurred in proceeding on the petition.

9. Payments made pursuant to paragraph 8 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, in her individual capacity, and on behalf of her heirs, executors, administrators, successors or assigns, does forever expressly and fully 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 influenza vaccination administered to her on or about October 15, 2004, as alleged by petitioner in a petition for vaccine compensation filed on September 6, 2005, in the United States Court of Federal Claims as petition No. 05-989V.

11. If petitioner should die prior to receiving 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.

12. 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.

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

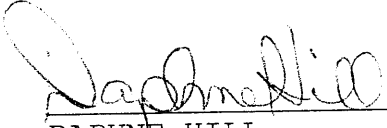
14. All rights and obligations of petitioner hereunder shall apply equally to petitioner's successors and assigns.

END OF STIPULATION

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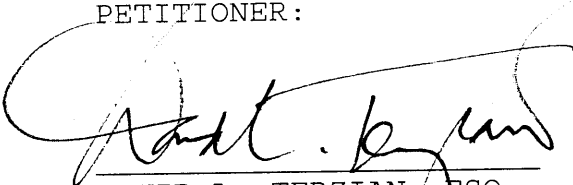
Respectfully submitted,

PETITIONER:



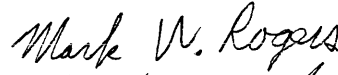
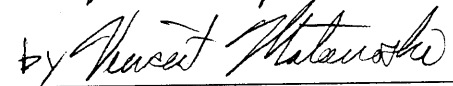
DAPHNE HILL

ATTORNEY OF RECORD FOR
PETITIONER:



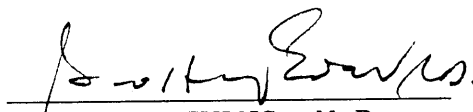
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Dated: 1/23/08