

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

(Filed: February 15, 2006)

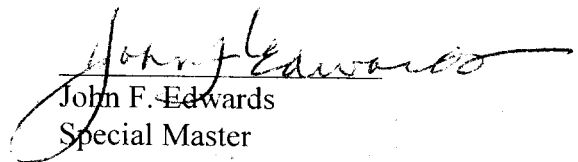
JOZSEF MESZAROS and JOZSEFNE MESZAROS,)
as personal representative of the estate of their daughter,)
ZSUZSANNA MESZAROS,)
)
Petitioners,)
)
v.)
)
SECRETARY OF)
HEALTH AND HUMAN SERVICES,)
)
Respondent.)

No. 04-0631V
DO NOT PUBLISH

DECISION DIRECTING ENTRY OF JUDGMENT¹

The parties filed a stipulation on February 15, 2006. 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 petitioners' favor.²

The clerk of court shall send petitioners' copy of this decision to petitioners 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), petitioners may expedite payment by filing an election to accept the judgment.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

JOZSEF MESZAROS and JOZSEFNE)
MESZAROS, as personal)
representatives of the estate)
of their daughter,)
ZSUZSANNA MESZAROS,)
)
)
Petitioners,) No. 04-0631V
) Special Master Edwards
v.)
)
)
SECRETARY OF HEALTH AND HUMAN)
SERVICES,)
)
)
Respondent.)

STIPULATION

The parties hereby stipulate to the following matters:

1. For the estate of their adult natural daughter, Zsuzsanna Meszaros ("claimant"), petitioners filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-10 to 300aa-34 ("Vaccine Program"). The petition seeks compensation for injuries and death allegedly related to claimant's receipt of the measles-mumps-rubella ("MMR") and/or diphtheria-tetanus ("DT") vaccines, which are listed in the Vaccine Injury Table ("Table"), 42 U.S.C. § 300aa-14(a); 42 C.F.R. § 100.3(a)(I), (III).
2. Claimant received her MMR and DT immunizations on March 21, 2002.
3. The vaccines were administered within the United States.

4. Petitioners allege that claimant suffered ventricular fibrillation, seizure disorder, and death that were caused-in-fact by the MMR and/or DT vaccines.

5. Petitioners represent that there has been no prior award or settlement of a civil action for damages on behalf of claimant or her estate as a result of the aforesaid injuries or death.

6. Respondent denies that either the MMR and/or DT vaccines caused in fact any or all of claimant's ventricular fibrillation, seizure disorder, or death. Respondent denies that claimant's seizure disorder, coma, or death are sequela of her alleged 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 petitioners have 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 \$155,000.00 in the form of two checks, one check in the amount of \$75,000.00, and the second in the amount of \$80,000.00, both payable to petitioners as legal representatives of the claimant's estate. This amount represents compensation that would be available under 42

U.S.C. §300aa-15(a)(2); and,

- b. For attorney's fees and costs per 42 U.S.C. §300aa-15(e), a lump sum of \$29,175.00 in the form of a check payable to petitioners and petitioners' counsel, Mr. Frazer Walton, Jr., Esq.; and a lump sum of \$12,062.50 in the form of a check payable to petitioners and petitioners's counsel, Mr. Mark Lane, Esq.

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. Petitioners represent that they presently are, or within 90 days of the date of judgment will become, duly authorized to serve as guardians/conservators of claimant's estate under the laws of the State of California. No payments pursuant to this Stipulation shall be made until petitioners provide the Secretary with documentation establishing their appointment as legal representatives of Zsuzsanna's estate.

11. In return for the payments described in paragraph 8, petitioners, in their individual capacities and as guardians/conservators of the estate of their daughter, Zsuzsanna, on behalf of themselves, the estate, Zsuzsanna's heirs, executors, administrators, successors, or assigns, do 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 claimant resulting from, or alleged to have resulted from, the MMR and/or DT vaccinations administered on March 21, 2002, as alleged by petitioners in a petition for vaccine compensation filed on or about April 9, 2004, in the United States Court of Federal Claims as petition No. 04-0631V.

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, complete, and total 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 petitioners hereunder shall apply equally to their successors and assigns as legal representatives of Zsuzsanna Meszaros.

END OF STIPULATION

Respectfully submitted,

PETITIONERS:

Jozsef Meszaros
Jozsef Meszaros

Jozsefne Meszaros
Jozsefne Meszaros

**ATTORNEY OF RECORD FOR
PETITIONERS:**

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**AUTHORIZED REPRESENTATIVE OF
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Dated: February 11, 2006

THE UNITED STATES OF AMERICA
DEPARTMENT OF STATE
OFFICE OF THE VICE CONSUL GENERAL
BUDAPEST, HUNGARY

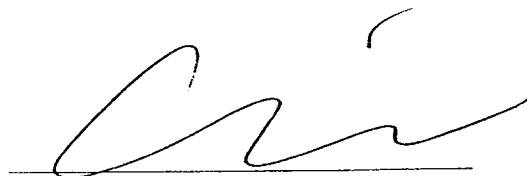
Certificate of Acknowledgement of Execution of an Instrument

Republic of Hungary
City of Budapest
Embassy of the United States } SS:
of America

I, Charles J. Hamilton, Vice Consul General of the United States of America at Budapest, Hungary duly commissioned and qualified do hereby certify that on this 23rd day of December, 2005, before me personally appeared Jozsef Meszaros and Jozsefne Meszaros, known to me to be the individuals described in, whose names are subscribed to, and who executed the attached instrument, and being informed by me of the contents of the said instrument they duly acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and official seal the day and year last above written.

(SEAL)



Charles J. Hamilton
Vice Consul of
the United States of America