

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 00-759 V

Filed: October 15, 2007

NOT TO BE PUBLISHED

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ROSE CAPIZZANO, \*

\*

Petitioner, \*

\*

Proffer on Award of Compensation;  
Attorneys' fees and costs

v. \*

\*

SECRETARY OF THE DEPARTMENT \*

OF HEALTH AND HUMAN SERVICES, \*

\*

Respondent. \*

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\*\*\*\*\*

*Ronald Craig Homer, Conway, Homer and Chin-Caplan, Boston, MA, for petitioner*

*Vincent J. Matanoski, U.S. Department of Justice, Washington, D.C., for respondent*

### DECISION<sup>1</sup>

GOLKIEWICZ, Chief Special Master.

The undersigned had previously determined that petitioner was entitled to compensation. Since that time, the parties have worked diligently towards resolving informally the damages issue. On October 10, 2007, respondent filed his Proffer on Award for Compensation for the items over which no dispute exists and to which petitioner agrees.

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<sup>1</sup> The undersigned intends to post this decision 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). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party that (1) that is a 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.

After a complete review of the record, the court finds that petitioner, Rose Capizzano, is entitled to compensation under the National Injury Compensation Program, 42 U.S.C. §300aa-10 et seq., as reflected in respondent's Proffer on Award of Compensation. The court is convinced, based on its experience and information in the record, that this award shall provide reasonable compensation to cover Rose Capizzano's vaccine-related expenses.

### **Form of Compensation Award**

1. **Lump Sum:**

A lump sum payment of **\$425,000.00**, as compensation for past unreimbursable expenses, projected unreimbursable expenses, partial lost earnings, and pain and suffering suffered by Rose Capizzano, in the form of a check payable to Rose Capizzano.

Additionally, a lump sum payment of **\$127,443.58**, in the form of a check payable to petitioner and petitioner's attorney, Ronald Craig Homer, Esq., for attorney's fees and costs.

### **CONCLUSION**

Petitioner, Rose Capizzano, is entitled to an award under the Vaccine Program to provide for compensable expenses as reflected in the record and respondent's Proffer.

- 1) A lump sum payment of in the form of a check payable to **\$425,000.00**, as compensation for past unreimbursable expenses, projected unreimbursable expenses, partial lost earnings, and pain and suffering suffered by Rose Capizzano, in the form of a check payable to Rose Capizzano.
- 2) Additionally, a lump sum payment of **\$127,443.58**, in the form of a check payable to petitioner and petitioner's attorney, Ronald Craig Homer, Esq., for attorney's fees and costs.

Based on the foregoing, this Court adopts the parties' Proffer and finds that petitioner is entitled to compensation in the amount and on the terms set forth therein. The Clerk of the Court is directed to enter judgment according to this decision.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Gary Golkiewicz  
Gary J. Golkiewicz  
Chief Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a U.S. Court of Federal Claims Judge.