

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**No. 10-0870V**

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Kyla Lily O'Brien, a minor,  
by her parents and natural guardians,  
ED O'BRIEN and SHANNON O'BRIEN,

Petitioners,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Filed: November 23, 2011

**DECISION<sup>1</sup> DISMISSING PETITION**

On December 17, 2010, petitioners filed a Petition for Vaccine Compensation in the National Vaccine Injury Compensation Program (“the Program”),<sup>2</sup> alleging that Kyla was injured by a vaccine or vaccines listed in the Vaccine Injury Table. *See* § 14. Pursuant to petitioners’ recent request, however, the petition is dismissed at this time.

A digitally recorded telephonic status conference was held on November 21, 2011. Shannon O’Brien participated on behalf of petitioners, while Ryan Pyles appeared for respondent. During that conference, the parties discussed the dismissal of a previous petition, #09-699V, involving the same allegations presented in this case. During that discussion, Ms. O’Brien stated that the petitioners no longer wished to pursue this claim, and asked that the claim be dismissed.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims’ website, in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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

<sup>2</sup>The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

**Accordingly, this case is dismissed. In the absence of a timely-filed motion for review of this Decision, the Clerk shall enter judgment accordingly.**

**IT IS SO ORDERED.**

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George L. Hastings, Jr.  
Special Master