

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 00-319V

February 28, 2011

Not to be Published

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JILL FONTANA,

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Petitioner,

\*

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v.

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Damages decision  
based on Proffer

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SECRETARY OF THE DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,

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Respondent.

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Clifford J. Shoemaker, Vienna, VA, for petitioner.

Glenn A. MacLeod, Washington, DC, for respondent.

**MILLMAN, Special Master**

## **DECISION**

On February 25, 2011, respondent filed a Proffer on Award of Compensation in this case.<sup>1</sup> Petitioner agrees to the Proffer. Based on the record as a whole, the special master finds

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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 decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to delete such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall

that petitioner is entitled to the award as stated in the Proffer. Pursuant to the terms stated in the attached Proffer, the court awards petitioner:

- a. a lump sum payment of **\$443, 981.86**, representing life care expenses for Year One (\$15,150.03), lost earnings (\$210,000.00), pain and suffering (\$214,000.00), and past unreimbursable expenses (\$4,831.83), in the form of a check payable to petitioner;
- b. an amount sufficient to purchase an annuity contract, subject to the conditions stated in the Proffer, that will provide payments for the life care items contained in the life care plan, as illustrated in the chart in Tab A attached to Respondent's Proffer.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.<sup>2</sup>

**IT IS SO ORDERED.**

February 28, 2011  
DATE

/s/Laura D. Millman  
Laura D. Millman  
Special Master

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delete such material from public access.

<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.