

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-402V

Filed: August 12, 2013

Not for Publication

RICKEY HARRIS and JAMILA HARRIS, *
as parents and natural guardians of *
M.M.H., a minor, *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

Damages decision based on proffer;
DTaP vaccine; opsoclonus
myoclonus syndrome

Anne C. Toale, Sarasota, FL, for petitioners.
Voris E. Johnson, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On June 2, 2008, petitioners filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34, alleging that DTaP vaccine significantly aggravated M.M.H.'s abdominal neuroblastoma, resulting in opsoclonus myoclonus syndrome (OMS). In the alternative, petitioners alleged that DTaP caused M.M.H.'s OMS. On July 20, 2010, the

¹ Because this decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this 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 delete such material from public access.

undersigned issued a Ruling on Entitlement in favor of petitioners.

On May 9, 2013, respondent filed a Proffer on Award of Compensation. Based on the record as a whole, the special master finds that petitioners are entitled to the award as stated in the Proffer. Pursuant to the terms stated in the attached Proffer, the court awards petitioners:

- a. a lump sum payment of **\$627,283.18**, representing compensation for partial lost future earnings (\$451,138.33), pain and suffering (\$157,702.55), and life care expenses for Year One (\$18,442.30), in the form of a check payable to petitioners as guardians or conservators of M.M.H., for the benefit of M.M.H. No payments shall be made until petitioners provide respondent with documentation establishing that they have been appointed as the guardians or conservators of M.M.H.'s estate. If petitioners are not authorized by a court of competent jurisdiction to serve as guardians or conservators of the estate of M.M.H., any such payment shall be made to the party or parties appointed by a court of competent jurisdiction to serve as guardian(s) or conservator(s) of the estate of M.M.H. upon submission of written documentation of such appointment to the Secretary;
- b. a lump sum payment of **\$9,499.63**, representing compensation for past unreimbursable expenses, payable to Rickey Harris and Jamila Harris, petitioners; and
- c. an amount sufficient to purchase an annuity contract subject to the conditions described in section II. C. of the attached 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.²

IT IS SO ORDERED.

Dated: August 12, 2013

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

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party, either separately or jointly, filing a notice renouncing the right to seek review.

RICKEY HARRIS and JAMILA HARRIS,)
 as parents and natural guardians of)
 M.M.H., a minor,)
)
 Petitioners,)
)
 v.) No. 08-402V
) Special Master
 SECRETARY OF THE DEPARTMENT OF) Laura D. Millman
 HEALTH AND HUMAN SERVICES,) **(ECF)**
)
 Respondent.)
)

-1-

B. Partial Lost Future Earnings

The parties agree that based upon the evidence of record, M.M.H. has suffered a partial loss of future earning capacity. Therefore, respondent proffers that M.M.H. should be awarded partial lost future earnings as provided under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(3)(B). Respondent proffers that the appropriate award for M.M.H.'s partial lost future earnings is \$451,138.33. Petitioners agree.

C. Pain and Suffering

Respondent proffers that M.M.H. should be awarded \$157,702.55 in actual and projected pain and suffering. This amount reflects that the award for projected pain and suffering has been reduced to net present value. See 42 U.S.C. § 300aa-15(a)(4). Petitioners agree.

D. Past Unreimbursable Expenses

Evidence supplied by petitioners documents their expenditure of past unreimbursable expenses related to M.M.H.'s vaccine injury. Respondent proffers that petitioners should be awarded past unreimbursable expenses in the amount of \$9,499.63. Petitioners agree.

E. Medicaid Lien

Petitioners represent that there are no outstanding Medicaid liens against M.M.H..

II. Form of the Award

The parties recommend that the compensation provided to M.M.H. should be made through a combination of lump sum payments and future annuity payments as described below, and request that the special master's decision and the Court's judgment award the following:

A. A lump sum payment of \$627,283.18, representing compensation for partial lost future earnings (\$451,138.33), pain and suffering (\$157,702.55), and life care expenses for Year

One (\$18,442.30), in the form of a check payable to petitioners as guardians or conservators of M.M.H., for the benefit of M.M.H.. No payments shall be made until petitioners provide respondent with documentation establishing that they have been appointed as the guardians or conservators of M.M.H.'s estate. If petitioners are not authorized by a court of competent jurisdiction to serve as guardians or conservators of the estate of M.M.H., any such payment shall be made to the party or parties appointed by a court of competent jurisdiction to serve as guardian(s) or conservator(s) of the estate of M.M.H. upon submission of written documentation of such appointment to the Secretary.;

B. A lump sum payment of \$9,499.63, representing compensation for past unreimbursable expenses, payable to Rickey Harris and Jamila Harris, petitioners;

C. An amount sufficient to purchase the annuity contract,² subject to the conditions described below, that will provide payments for the life care items contained in the life care plan, as illustrated by the chart at Tab A attached hereto, paid to the life insurance company³ from

² In respondent's discretion, respondent may purchase one or more annuity contracts from one or more life insurance companies.

³ The Life Insurance Company must have a minimum of \$250,000,000 capital and surplus, exclusive of any mandatory security valuation reserve. The Life Insurance Company must have one of the following ratings from two of the following rating organizations:

- a. A.M. Best Company: A++, A+, A+g, A+p, A+r, or A+s;
- b. Moody's Investor Service Claims Paying Rating: Aa3, Aa2, Aa1, or Aaa;
- c. Standard and Poor's Corporation Insurer Claims-Paying Ability Rating: AA-, AA, AA+, or AAA;
- d. Fitch Credit Rating Company, Insurance Company Claims Paying Ability Rating: AA-, AA, AA+, or AAA.

which the annuity will be purchased.⁴ Compensation for Year Two (beginning on the first anniversary of the date of judgment) and all subsequent years shall be provided through respondent's purchase of an annuity, which annuity shall make payments directly to petitioners as guardians or conservators of the estate of M.M.H., for the benefit of M.M.H., only so long as M.M.H. is alive at the time a particular payment is due. At the Secretary's sole discretion, the periodic payments may be provided to petitioners in monthly, quarterly, annual or other installments. The "annual amounts" set forth in the chart at Tab A describe only the total yearly sum to be paid to petitioners and do not require that the payment be made in one annual installment.

1. Growth Rate

Respondent proffers that a four percent (4%) growth rate should be applied to all non-medical life care items, and a five percent (5%) growth rate should be applied to all medical life care items. Thus, the benefits illustrated in the chart at Tab A that are to be paid through annuity payments should grow as follows: four percent (4%) compounded annually from the date of judgment for non-medical items, and five percent (5%) compounded annually from the date of judgment for medical items. Petitioners agree.

2. Life-contingent annuity

Petitioners will continue to receive the annuity payments from the Life Insurance Company only so long as M.M.H. is alive at the time that a particular payment is due. Written

⁴ Petitioners authorize the disclosure of certain documents filed by the petitioners in this case consistent with the Privacy Act and the routine uses described in the National Vaccine Injury Compensation Program System of Records, No. 09-15-0056.

notice shall be provided to the Secretary of Health and Human Services and the Life Insurance Company within twenty (20) days of M.M.H.'s death.

3. Guardianship

No payments shall be made until petitioners provide respondent with documentation establishing that they have been appointed as the guardians or conservators of M.M.H.'s estate. If petitioners are not authorized by a court of competent jurisdiction to serve as guardians or conservators of the estate of M.M.H., any such payment shall be made to the party or parties appointed by a court of competent jurisdiction to serve as guardian(s) or conservator(s) of the estate of M.M.H. upon submission of written documentation of such appointment to the Secretary.

III. Summary of Recommended Payments Following Judgment

- | | | |
|----|---|----------------------|
| A. | Lump Sum paid to petitioners as guardians/conservators of M.M.H.'s estate: | \$ 627,283.18 |
| B. | Lump sum paid to petitioners: | \$ 9,499.63 |
| C. | An amount sufficient to purchase the annuity contract described above in section II. C. | |

Respectfully submitted,

STUART F. DELERY
Acting Assistant Attorney General

RUPA BHATTACHARYYA
Director
Torts Branch, Civil Division

VINCENT J. MATANOSKI
Deputy Director
Torts Branch, Civil Division

CATHARINE E. REEVES
Assistant Director
Torts Branch, Civil Division

s/Voris E. Johnson, Jr.
VORIS E. JOHNSON, JR
Assistant Director
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
Telephone: (202) 616-4136

Dated: May 9, 2013

Appendix A: Items of Compensation for M. M. H.

[illegible]

Appendix A: Items of Compensation for M. M. H.

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ITEMS OF COMPENSATION	G.R.	*	M	Lump Sum Compensation Year 1	Compensation Years 2-3	Compensation Year 4	Compensation Years 5-6	Compensation Year 7	Compensation Year 8	Compensation Year 9	Compensation Year 10
				2013	2014-2015	2016	2017-2018	2019	2020	2021	2022
Home Health Aide	4%										
Home Care Nurse	4%	*									
PT	4%	*									
OT	4%	*									
ST	4%	*									
Neuropsych Testing	4%	*									
Partial Lost Future Earnings				451,138.33							
Pain and Suffering				157,702.55							
Past Unreimbursable Expenses				9,499.63							
Annual Totals				636,782.81	16,879.36	17,019.30	16,879.36	17,019.30	17,001.86	16,879.36	17,019.30

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to the court-appointed guardian(s)/ conservators(s) of the estate of M. M. H., for the benefit of M. M. H. for lost future earnings (\$451,138.33), pain and suffering (\$157,702.55), and Yr 1 life care expenses (\$18,442.30): \$627,283.18.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioners, Rickey Harris and Jamila Harris, for past un-reimbursable expenses: \$9,499.63.

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated in column "G.R." above, compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

Items denoted with an "M" payable in 12 monthly installments at the discretion of respondent.

Appendix A: Items of Compensation for M. M. H.

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ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 11	Compensation Year 12	Compensation Year 13	Compensation Year 14	Compensation Year 15	Compensation Year 16	Compensation Years 17-18	Compensation Year 19
				2023	2024	2025	2026	2027	2028	2029-2030	2031
BCBS Deductible	5%			350.00	350.00	350.00	350.00	350.00	350.00		
BCBS MOP	5%			7,000.00	7,000.00	7,000.00	7,000.00	7,000.00	7,000.00		
AHIP Premium	5%		M							4,404.00	4,404.00
AHIP Deductible	5%									2,500.00	2,500.00
AHIP MOP	5%									1,500.00	1,500.00
Medicare Part B Premium	5%		M								
Medicare Part B Deductible	5%	*									
Medigap F	5%		M								
Neurology: Dr. Schub	5%	*									
Mileage: Neurology	4%			221.76	221.76	221.76	221.76	221.76	221.76	221.76	221.76
Neurology: Dr. Pranzatelli	5%	*									
Travel: Dr. Pranzatelli	4%		M	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Neuropsych Eval.	4%	*									
Psych Counseling	4%	*									
Mileage: Counseling	4%			41.60	41.60	41.60	41.60	41.60	41.60	41.60	41.60
Care Mngt	4%		M	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00
OT	4%	*									
Mileage: OT	4%										
PT	4%	*									
Mileage: PT	4%										
ST	4%	*									
Mileage: ST	4%										
Software	4%					209.94			209.94		209.94
Shower Chair	4%							122.50			
Grab Bars	4%			347.50							
Hand Held Shower	4%			65.00							
Tutor	4%		M	5,280.00	5,280.00						
Assisted Living	4%		M								
Assistance w/ Personal Finances	4%					768.00	768.00	768.00	768.00	768.00	768.00
Acute Care Hospitalization	4%	*									
Skilled Nursing Facility	4%				11,220.00						

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 11	Compensation Year 12	Compensation Year 13	Compensation Year 14	Compensation Year 15	Compensation Year 16	Compensation Years 17-18	Compensation Year 19
				2023	2024	2025	2026	2027	2028	2029-2030	2031
Home Health Aide	4%				7,168.00						
Home Care Nurse	4%	*									
PT	4%	*									
OT	4%	*									
ST	4%	*			3,675.00						
Neuropsych Testing	4%	*									
Partial Lost Future Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Annual Totals				17,291.86	38,942.36	12,577.30	12,367.36	12,489.86	12,577.30	13,421.36	13,631.30

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to the court-appointed guardian(s)/ conservators(s) of the estate of M. M. H., for the benefit of M. M. H. for lost future earnings (\$451,138.33), pain and suffering (\$157,702.55), and Yr 1 life care expenses (\$18,442.30): \$627,283.18.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioners, Rickey Harris and Jamila Harris, for past un-reimbursable expenses: \$9,499.63.

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated in column "G.R." above, compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

Items denoted with an "M" payable in 12 monthly installments at the discretion of respondent.

Appendix A: Items of Compensation for M. M. H.

[illegible]

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 20	Compensation Year 21	Compensation Year 22	Compensation Year 23	Compensation Years 24-27	Compensation Year 28	Compensation Year 29	Compensation Year 30
				2032	2033	2034	2035	2036-2039	2040	2041	2042
Home Health Aide	4%										
Home Care Nurse	4%	*									
PT	4%	*									
OT	4%	*									
ST	4%	*									
Neuropsych Testing	4%	*									
Partial Lost Future Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Annual Totals				13,491.34	13,903.84	13,667.09	13,562.09	13,586.09	13,610.09	13,670.09	13,766.09

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to the court-appointed guardian(s)/ conservators(s) of the estate of M. M. H., for the benefit of M. M. H. for lost future earnings (\$451,138.33), pain and suffering (\$157,702.55), and Yr 1 life care expenses (\$18,442.30): \$627,283.18.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioners, Rickey Harris and Jamila Harris, for past un-reimbursable expenses: \$9,499.63.

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated in column "G.R." above, compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

Items denoted with an "M" payable in 12 monthly installments at the discretion of respondent.

Appendix A: Items of Compensation for M. M. H.

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 31	Compensation Year 32	Compensation Year 33	Compensation Year 34	Compensation Year 35	Compensation Year 36	Compensation Year 37	Compensation Year 38
				2043	2044	2045	2046	2047	2048	2049	2050
BCBS Deductible	5%										
BCBS MOP	5%										
AHIP Premium	5%		M	4,680.00	4,716.00	4,776.00	4,908.00	5,004.00	5,112.00	5,256.00	5,328.00
AHIP Deductible	5%			2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
AHIP MOP	5%			1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Medicare Part B Premium	5%		M								
Medicare Part B Deductible	5%	*									
Medigap F	5%		M								
Neurology: Dr. Schub	5%	*									
Mileage: Neurology	4%			221.76	221.76	221.76	221.76	221.76	221.76	221.76	221.76
Neurology: Dr. Pranzatelli	5%	*									
Travel: Dr. Pranzatelli	4%		M	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Neuropsych Eval.	4%	*									
Psych Counseling	4%	*									
Mileage: Counseling	4%										
Care Mngt	4%		M	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00
OT	4%	*									
Mileage: OT	4%										
PT	4%	*									
Mileage: PT	4%										
ST	4%	*									
Mileage: ST	4%										
Software	4%			69.98	69.98	69.98	69.98	69.98	69.98	69.98	69.98
Shower Chair	4%			17.50	17.50	17.50	17.50	17.50	17.50	17.50	17.50
Grab Bars	4%			34.75	34.75	34.75	34.75	34.75	34.75	34.75	34.75
Hand Held Shower	4%			6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50
Tutor	4%		M								
Assisted Living	4%		M								
Assistance w/ Personal Finances	4%			768.00	768.00	768.00	768.00	768.00	768.00	768.00	768.00
Acute Care Hospitalization	4%	*									
Skilled Nursing Facility	4%				11,220.00						

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 31	Compensation Year 32	Compensation Year 33	Compensation Year 34	Compensation Year 35	Compensation Year 36	Compensation Year 37	Compensation Year 38
				2043	2044	2045	2046	2047	2048	2049	2050
Home Health Aide	4%				7,168.00						
Home Care Nurse	4%	*									
PT	4%	*									
OT	4%	*									
ST	4%	*									
Neuropsych Testing	4%	*									
Partial Lost Future Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Annual Totals				13,784.49	32,208.49	13,880.49	14,012.49	14,108.49	14,216.49	14,360.49	14,432.49

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to the court-appointed guardian(s)/ conservators(s) of the estate of M. M. H., for the benefit of M. M. H. for lost future earnings (\$451,138.33), pain and suffering (\$157,702.55), and Yr 1 life care expenses (\$18,442.30): \$627,283.18.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioners, Rickey Harris and Jamila Harris, for past un-reimbursable expenses: \$9,499.63.

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated in column "G.R." above, compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

Items denoted with an "M" payable in 12 monthly installments at the discretion of respondent.

Appendix A: Items of Compensation for M. M. H.

[illegible]

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 39	Compensation Year 40	Compensation Year 41	Compensation Year 42	Compensation Year 43	Compensation Year 44	Compensation Year 45	Compensation Year 46
				2051	2052	2053	2054	2055	2056	2057	2058
Home Health Aide	4%										
Home Care Nurse	4%	*									
PT	4%	*									
OT	4%	*									
ST	4%	*									
Neuropsych Testing	4%	*									
Partial Lost Future Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Annual Totals				14,552.49	14,720.49	14,828.49	14,948.49	15,128.49	15,248.49	15,416.49	45,020.49

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to the court-appointed guardian(s)/ conservators(s) of the estate of M. M. H., for the benefit of M. M. H. for lost future earnings (\$451,138.33), pain and suffering (\$157,702.55), and Yr 1 life care expenses (\$18,442.30): \$627,283.18.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioners, Rickey Harris and Jamila Harris, for past un-reimbursable expenses: \$9,499.63.

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated in column "G.R." above, compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

Items denoted with an "M" payable in 12 monthly installments at the discretion of respondent.

Appendix A: Items of Compensation for M. M. H.

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 47	Compensation Year 48	Compensation Year 49	Compensation Year 50	Compensation Year 51	Compensation Year 52	Compensation Year 53	Compensation Year 54
				2059	2060	2061	2062	2063	2064	2065	2066
BCBS Deductible	5%										
BCBS MOP	5%										
AHIP Premium	5%		M	6,612.00	6,732.00	6,924.00	7,068.00	7,236.00	7,428.00	7,632.00	7,896.00
AHIP Deductible	5%			2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
AHIP MOP	5%			1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Medicare Part B Premium	5%		M								
Medicare Part B Deductible	5%	*									
Medigap F	5%		M								
Neurology: Dr. Schub	5%	*									
Mileage: Neurology	4%			221.76	221.76	221.76	221.76	221.76	221.76	221.76	221.76
Neurology: Dr. Pranzatelli	5%	*									
Travel: Dr. Pranzatelli	4%		M	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Neurospych Eval.	4%	*									
Psych Counseling	4%	*									
Mileage: Counseling	4%										
Care Mngt	4%		M	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00	1,986.00
OT	4%	*									
Mileage: OT	4%										
PT	4%	*									
Mileage: PT	4%										
ST	4%	*									
Mileage: ST	4%										
Software	4%			69.98	69.98	69.98	69.98	69.98	69.98	69.98	69.98
Shower Chair	4%			17.50	17.50	17.50	17.50	17.50	17.50	17.50	17.50
Grab Bars	4%			34.75	34.75	34.75	34.75	34.75	34.75	34.75	34.75
Hand Held Shower	4%			6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50
Tutor	4%		M								
Assisted Living	4%		M	29,484.00	29,484.00	29,484.00	29,484.00	29,484.00	29,484.00	29,484.00	29,484.00
Assistance w/ Personal Finances	4%			768.00	768.00	768.00	768.00	768.00	768.00	768.00	768.00
Acute Care Hospitalization	4%	*									
Skilled Nursing Facility	4%								11,220.00		

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 47	Compensation Year 48	Compensation Year 49	Compensation Year 50	Compensation Year 51	Compensation Year 52	Compensation Year 53	Compensation Year 54
				2059	2060	2061	2062	2063	2064	2065	2066
Home Health Aide	4%								7,168.00		
Home Care Nurse	4%	*									
PT	4%	*									
OT	4%	*									
ST	4%	*									
Neuropsych Testing	4%	*									
Partial Lost Future Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Annual Totals				45,200.49	45,320.49	45,512.49	45,656.49	45,824.49	64,404.49	46,220.49	46,484.49

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to the court-appointed guardian(s)/ conservators(s) of the estate of M. M. H., for the benefit of M. M. H. for lost future earnings (\$451,138.33), pain and suffering (\$157,702.55), and Yr 1 life care expenses (\$18,442.30): \$627,283.18.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioners, Rickey Harris and Jamila Harris, for past un-reimbursable expenses: \$9,499.63.

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated in column "G.R." above, compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

Items denoted with an "M" payable in 12 monthly installments at the discretion of respondent.

Appendix A: Items of Compensation for M. M. H.

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 55	Compensation Years 56-Life
				2067	2068-Life
BCBS Deductible	5%				
BCBS MOP	5%				
AHIP Premium	5%		M	8,112.00	
AHIP Deductible	5%			2,500.00	
AHIP MOP	5%			1,500.00	
Medicare Part B Premium	5%		M		1,258.80
Medicare Part B Deductible	5%	*			
Medigap F	5%		M		1,698.00
Neurology: Dr. Schub	5%	*			
Mileage: Neurology	4%			221.76	221.76
Neurology: Dr. Pranzatelli	5%	*			
Travel: Dr. Pranzatelli	4%		M	2,000.00	2,000.00
Neuropsych Eval.	4%	*			
Psych Counseling	4%	*			
Mileage: Counseling	4%				
Care Mngt	4%		M	1,986.00	1,986.00
OT	4%	*			
Mileage: OT	4%				
PT	4%	*			
Mileage: PT	4%				
ST	4%	*			
Mileage: ST	4%				
Software	4%			69.98	69.98
Shower Chair	4%			17.50	17.50
Grab Bars	4%			34.75	34.75
Hand Held Shower	4%			6.50	6.50
Tutor	4%		M		
Assisted Living	4%		M	29,484.00	29,484.00
Assistance w/ Personal Finances	4%			768.00	768.00
Acute Care Hospitalization	4%	*			
Skilled Nursing Facility	4%				

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 55 2067	Compensation Years 56-Life 2068-Life
Home Health Aide	4%				
Home Care Nurse	4%	*			
PT	4%	*			
OT	4%	*			
ST	4%	*			
Neuropsych Testing	4%	*			
Partial Lost Future Earnings					
Pain and Suffering					
Past Unreimbursable Expenses					
Annual Totals				46,700.49	37,545.29

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to the court-appointed guardian(s)/ conservators(s) of the estate of M. M. H., for the benefit of M. M. H. for lost future earnings (\$451,138.33), pain and suffering (\$157,702.55), and Yr 1 life care expenses (\$18,442.30): \$627,283.18.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioners, Rickey Harris and Jamila Harris, for past un-reimbursable expenses: \$9,499.63.

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated in column "G.R." above, compounded annually from the date of judgment.

Items denoted with an asterisk (*) covered by health insurance and/or Medicare.

Items denoted with an "M" payable in 12 monthly installments at the discretion of respondent.