

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-450 V

Filed: June 28, 2011

Not for Publication

KARI HAWKINS,

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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.

Ryan D. Pyles, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On June 27, 2011, respondent filed a Proffer on Award of Compensation. On June 28, 2011, petitioner accepted respondent's Proffer. Based on the record as a whole, the special master finds 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:

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 redact 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 redact such material from public access.

- A. A lump sum payment of \$959,766.09, representing compensation for life care expenses expected to be incurred during the first year after judgment (\$62,935.33), lost earnings (\$678,802.38), pain and suffering (\$209,984.86), and past unreimbursable expenses (\$8,043.52), in the form of a check payable to petitioner, Kari Hawkins.
- B. A lump sum payment of \$177,509.97, representing compensation for satisfaction of the State of Washington Medicaid lien, payable jointly to petitioner and

State of Washington
Department of Social and Health Services
DSHS Casualty Unit
P.O. Box 45561
Olympia, WA 98504-5561
Attn: Steve White
Ref. No: 100746982WA

- C. An amount sufficient to purchase an annuity contract, subject to the conditions described below in section II.C of the Proffer, that will provide payments for the life care items contained in the life care plan.

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: June 28, 2011

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's filing a notice renouncing the right to seek review.