

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 05-1204 V

Filed: August 1, 2011

Not for Publication

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MICHELLE MOUILLE, as Legal \*  
Representative of MAURICE ANTHONY \*  
LAMKIN, JR. a Minor, \*

Petitioner, \*

Damages Decision Based on Proffer

v. \*

SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

David G. Hart, Colleyville, TX, for petitioner.

Chrysovalantis P. Kefalas, Washington, DC, for respondent.

**MILLMAN, Special Master**

### **DECISION AWARDING DAMAGES<sup>1</sup>**

On August 1, 2011, respondent filed a Proffer on Award of Compensation. Petitioner e-mailed the undersigned's law clerk, accepting 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:

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<sup>1</sup> 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.

- A. A lump sum payment of \$1,113,680.99, representing compensation for lost future earnings (\$729,138.02), pain and suffering (\$229,546.64), and life care expenses for Year One (\$154,996.33), in the form of a check payable to petitioner as guardian/conservator of Maurice Anthony Lamkin, Jr., for the benefit of Maurice Anthony Lamkin, Jr.
- B. A lump sum payment of \$7,373.17, representing compensation for past unreimbursable expenses, payable to Michelle Mouille, petitioner;
- C. A lump sum payment of \$152,297.83, representing compensation for satisfaction of the State of Texas Medicaid lien, payable jointly to petitioner and

Texas Medicaid and Health Partnership  
A State Medicaid Contractor  
12357 – B Riata Trace Pkwy  
Suite 150  
Austin, TX 78727  
Attn: Mr. Matt Sigers

Petitioner agrees to endorse this payment to the State.

- D. An amount sufficient to purchase an annuity contract, subject to the conditions as described in the proffer, that will provide payments for the life care items contained in the life care plan, as illustrated by the chart at Tab A attached in the 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.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Laura D. Millman  
Special Master

<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.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS**

\_\_\_\_\_  
MICHELLE MOUILLE, as Legal )  
Representative of MAURICE ANTHONY )  
LAMKIN, JR., a Minor, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
SECRETARY OF HEALTH AND )  
HUMAN SERVICES, )  
 )  
Respondent. )  
\_\_\_\_\_ )

No. 05-1204  
Special Master Millman

**RESPONDENT'S PROFFER ON AWARD OF COMPENSATION**

**I. Items of Compensation**

**A. Life Care Items**

The parties jointly engaged life care planner Shelly Kinney, RN, MSN, CNCLP, CCM, to provide an estimation of Maurice Anthony Lamkin, Jr.'s future vaccine-injury related needs. For the purposes of this proffer, the term "vaccine related" is as described in the special master's decision dated November 17, 2009. All items of compensation identified in the joint life care plan, filed on July 25, 2011, as Respondent's Exhibit M, are supported by the evidence, and are illustrated by the chart entitled Appendix A: Items of Compensation for Maurice Anthony Lamkin, Jr., attached hereto as Tab A.<sup>1</sup> Respondent proffers that Maurice Anthony Lamkin, Jr.

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<sup>1</sup> The chart at Tab A illustrates the annual benefits provided by the life care plan. The annual benefit years run from the date of judgment up to the first anniversary of the date of judgment, and every year thereafter up to the anniversary of the date of judgment.

should be awarded all items of compensation set forth in the joint life care plan and illustrated by the chart attached at Tab A. Petitioner agrees.

B. Lost Future Earnings

The parties agree that based upon the evidence of record, Maurice Anthony Lamkin, Jr. will never be gainfully employed. Therefore, respondent proffers that Maurice Anthony Lamkin, Jr. should be awarded full 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 Maurice Anthony Lamkin, Jr.'s lost future earnings is \$729,138.02. Petitioner agrees.

C. Pain and Suffering

Respondent proffers that Maurice Anthony Lamkin, Jr. should be awarded \$229,546.64 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). Petitioner agrees.

D. Past Unreimbursable Expenses

Evidence supplied by petitioner documents her expenditure of past unreimbursable expenses related to Maurice Anthony Lamkin, Jr.'s vaccine-related injury. Respondent proffers that petitioner should be awarded past unreimbursable expenses in the amount of \$7,373.17. Petitioner agrees.

E. Medicaid Lien

Respondent proffers that Maurice Anthony Lamkin, Jr. should be awarded funds to satisfy the State of Texas lien in the amount of \$152,297.83, which represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the State of Texas may have

against any individual as a result of any Medicaid payments the State of Texas has made to or on behalf of Maurice Anthony Lamkin, Jr. from the date of his eligibility for benefits through the date of judgment in this case as a result of his vaccine-related injury suffered on or about October 27, 2004, under Title XIX of the Social Security Act.

**II. Form of the Award**

The parties recommend that the compensation provided to Maurice Anthony Lamkin, Jr. 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 \$1,113,680.99, representing compensation for lost future earnings (\$729,138.02), pain and suffering (\$229,546.64), and life care expenses for Year One (\$154,996.33), in the form of a check payable to petitioner as guardian/conservator of Maurice Anthony Lamkin, Jr., for the benefit of Maurice Anthony Lamkin, Jr. No payments shall be made until petitioner provides respondent with documentation establishing that she has been appointed as the guardian/conservator of Maurice Anthony Lamkin, Jr.'s estate;

B. A lump sum payment of \$7,373.17, representing compensation for past unreimbursable expenses, payable to Michelle Mouille, petitioner;

C. A lump sum payment of \$152,297.83, representing compensation for satisfaction of the State of Texas Medicaid lien, payable jointly to petitioner and

Texas Medicaid and Health Partnership  
A State Medicaid Contractor  
12357 – B Riata Trace Pkwy  
Suite 150  
Austin, TX 78727  
Attn: Mr. Matt Sigers

Petitioner agrees to endorse this payment to the State.

D. An amount sufficient to purchase an annuity contract,<sup>2</sup> 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 company<sup>3</sup> from which the annuity will be purchased.<sup>4</sup> 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 petitioner as guardian/conservator of the estate of Maurice Anthony Lamkin, Jr., for the benefit of Maurice

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

<sup>3</sup> 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.

<sup>4</sup> Petitioner authorizes the disclosure of certain documents filed by the petitioner 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.

Anthony Lamkin, Jr., only so long as Maurice Anthony Lamkin, Jr. is alive at the time a particular payment is due. At the Secretary's sole discretion, the periodic payments may be provided to petitioner 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 petitioner 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. Petitioner agrees.

2. Life-contingent annuity

Petitioner will continue to receive the annuity payments from the Life Insurance Company only so long as Maurice Anthony Lamkin, Jr. is alive at the time that a particular payment is due. Written notice shall be provided to the Secretary of Health and Human Services and the Life Insurance Company within twenty (20) days of Maurice Anthony Lamkin, Jr.'s death.

3. Guardianship

No payments shall be made until petitioner provides respondent with documentation establishing that she has been appointed as the guardian/conservator of Maurice Anthony Lamkin, Jr.'s estate. If petitioner is not authorized by a court of competent jurisdiction to serve

as guardian/conservator of the estate of Maurice Anthony Lamkin, Jr., any such payment shall be made to the party or parties appointed by a court of competent jurisdiction to serve as guardian/conservator of the estate of Maurice Anthony Lamkin, Jr. upon submission of written documentation of such appointment to the Secretary.

**III. Summary of Recommended Payments Following Judgment**

A.	Lump Sum paid to petitioner as guardian/conservator of Maurice Anthony Lamkin, Jr.'s estate:	<b>\$1,113,680.99</b>
B.	Lump sum paid to petitioner:	<b>\$ 7,373.17</b>
C.	Reimbursement for Medicaid lien:	<b>\$ 152,297.83</b>
D.	An amount sufficient to purchase the annuity contract described above in section II. D.	

Respectfully submitted,

TONY WEST  
Assistant Attorney General

MARK W. ROGERS  
Acting Director  
Torts Branch, Civil Division

VINCENT J. MATANOSKI  
Acting Deputy Director  
Torts Branch, Civil Division

  
MICHAEL P. MILMOE  
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Dated: July 29, 2011





Appendix A: Items of Compensation for Maurice Lamkin

ITEMS OF COMPENSATION	G.R.	* M	Lump Sum Compensation Year 1 2011	Compensation Year 2 2012	Compensation Year 3 2013	Compensation Year 4 2014	Compensation Year 5 2015	Compensation Year 6 2016	Compensation Year 7 2017	Compensation Year 8 2018
ARC After School/School Breaks	4%		2,604.00	2,604.00	2,604.00	2,604.00	2,604.00	2,604.00	2,604.00	2,604.00
ARC Summer Day Services	4%		1,320.00	1,320.00	1,320.00	1,320.00	1,320.00	1,320.00	1,320.00	1,320.00
HHA: Wknd and Holiday Respite	4%	M	65,550.00	65,550.00	65,550.00	65,550.00	65,550.00	65,550.00	65,550.00	65,550.00
HHA: Weekday	4%	M	38,000.00	38,000.00	38,000.00	38,000.00	38,000.00	38,000.00	38,000.00	38,000.00
ARC Life Enrichment	4%									
Facility Care	4%	M								
Lost Future Earnings			729,138.02							
Pain and Suffering			229,546.64							
Past Unreimbursable Expenses			7,373.17							
Medicaid Lien			152,297.83							
Annual Totals			1,273,351.99	119,837.76	119,087.76	123,100.76	120,252.37	119,555.34	119,230.37	130,723.25

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 Maurice Lamkin, for the benefit of Maurice Lamkin, for lost future earnings (\$729,138.02), pain and suffering (\$229,546.64), and Yr 1 life care expenses (\$154,996.33): \$1,113,680.99  
 As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner, Michelle Mouille, for past un-reimbursable expenses: \$7,373.17.  
 As soon as practicable after entry of judgment, respondent shall make the following payment jointly to petitioner and the State of Texas, as reimbursement of the state's Medicaid lien: \$152,297.83.  
 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 Maurice Lamkin

ITEMS OF COMPENSATION	G.R.	* M	Compensation Year 9 2019	Compensation Year 10 2020	Compensation Year 11 2021	Compensation Year 12 2022	Compensation Year 13 2023	Compensation Year 14 2024	Compensation Year 15 2025	Compensation Year 16 2026
Nurse Case Mngr	4%		750.00	1,500.00	1,500.00	300.00	300.00	300.00	300.00	300.00
Camp	4%		750.00	750.00						
Therapeutic Toys	4%		50.00	50.00						
Alarm System	4%									
Home Mods - Safety	4%									
Stroller	4%									
Manual WC	4%				28.00	1,105.00				
WC Carrying Pack	4%				28.00					28.00
WC Maint	4%		55.25	55.25	55.25	55.25	55.25	55.25	55.25	55.25
Blender	4%									
Nebulizer	4%	*								
Humidifier	4%			40.00						
Gait Belt	4%									
Medical Alert Tag	4%			25.00			25.00			25.00
Seizure Monitor	4%									
Rifton Ranger Trike	4%				1,805.00					
Helmet	4%			118.00			118.00			118.00
Adapted Swing	4%									
Frame for Swing	4%									
Adaptive Eating Equip.	4%		600.00	600.00	80.00	80.00	80.00	80.00	80.00	80.00
Clothing	4%		100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Comm Device (Provided by State)	4%									
Comm Device Warranty	4%		2,025.00					2,025.00		
Desk Top Computer	4%									
Disposable Medical Supplies	4%		575.00	575.00						
Incontinence Briefs	4%	M	2,424.00	2,424.00	2,424.00	2,424.00	2,424.00	2,424.00	2,424.00	2,424.00
Reusable Swim Briefs	4%		36.00	36.00						
Mileage: Neurology	4%		35.64	35.64						
Mileage: Primary Care	4%		7.92	7.92						
Mileage: Baptist Hospital	4%		23.76	23.76						
Mileage: Therapies	4%		605.88	605.88						
ARC Enrollment Fee	4%		50.00	50.00						

Appendix A: Items of Compensation for Maurice Lamkin

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 9 2019	Compensation Year 10 2020	Compensation Year 11 2021	Compensation Year 12 2022	Compensation Year 13 2023	Compensation Year 14 2024	Compensation Year 15 2025	Compensation Year 16 2026
ARC After School/School Breaks	4%			2,604.00	2,604.00						
ARC Summer Day Services	4%			1,320.00	1,320.00						
HHA: Wkend and Holiday Respite	4%	M		65,550.00	65,550.00						
HHA: Weekday	4%	M		38,000.00	38,000.00						
ARC Life Enrichment	4%				17,551.25						
Facility Care	4%	M				146,000.00	146,000.00	146,000.00	146,000.00	146,000.00	146,000.00
Lost Future Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Medicaid Lien											
Annual Totals				132,748.25	149,207.50	167,154.25	165,226.25	164,264.25	166,338.25	164,313.25	164,484.25

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 Maurice Lamkin, for the benefit of Maurice Lamkin, for lost future earnings (\$729,138.02), pain and suffering (\$229,546.64), and Yr 1 life care expenses (\$154,996.33): \$1,113,680.99  
 As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner, Michelle Mouille, for past un-reimbursable expenses: \$7,373.17.  
 As soon as practicable after entry of judgment, respondent shall make the following payment jointly to petitioner and the State of Texas, as reimbursement of the state's Medicaid lien: \$152,297.83.  
 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 Maurice Lamkin

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 17 2027	Compensation Year 18 2028	Compensation Year 19 2029	Compensation Year 20 2030	Compensation Year 21 2031	Compensation Year 22 2032	Compensation Year 23 2033	Compensation Year 24 2034
ARC After School/School Breaks	4%										
ARC Summer Day Services	4%										
HHA: Wkend and Holiday Respite	4%	M									
HHA: Weekday	4%	M									
ARC Life Enrichment	4%										
Facility Care	4%	M		146,000.00	146,000.00	146,000.00	146,000.00	146,000.00	146,000.00	146,000.00	146,000.00
Lost Future Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Medicaid Lien											
Annual Totals				164,313.25	166,118.25	168,390.25	165,117.25	165,145.25	165,265.85	165,122.85	167,963.85

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 Maurice Lamkin, for the benefit of Maurice Lamkin, for lost future earnings (\$729,138.02), pain and suffering (\$229,546.64), and Yr 1 life care expenses (\$154,996.33): \$1,113,680.99  
 As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner, Michelle Mouille, for past un-reimbursable expenses: \$7,373.17.  
 As soon as practicable after entry of judgment, respondent shall make the following payment jointly to petitioner and the State of Texas, as reimbursement of the state's Medicaid lien: \$152,297.83.  
 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 Maurice Lamkin

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Year 25 2035	Compensation Year 26 2036	Compensation Year 27 2037	Compensation Year 28 2038	Compensation Year 29 2039	Compensation Years 30-32 2040-2042	Compensation Year 33 2043	Compensation Years 34-35 2044-2045
ARC After School/School Breaks	4%										
ARC Summer Day Services	4%										
HH: Wkend and Holiday Respite	4%	M									
HH: Weekday	4%	M									
ARC Life Enrichment	4%										
Facility Care	4%	M		146,000.00	146,000.00	146,000.00	146,000.00	146,000.00	146,000.00	146,000.00	146,000.00
Lost Future Earnings											
Pain and Suffering											
Past Unreimbursable Expenses											
Medicaid Lien											
Annual Totals				168,291.85	167,754.37	166,807.23	209,866.15	244,678.15	209,866.15	244,678.15	209,866.15

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 Maurice Lamkin, for the benefit of Maurice Lamkin, for lost future earnings (\$729,138.02), pain and suffering (\$229,546.64), and Yr 1 life care expenses (\$154,996.33): \$1,113,680.99  
 As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner, Michelle Mouille, for past un-reimbursable expenses: \$7,373.17.  
 As soon as practicable after entry of judgment, respondent shall make the following payment jointly to petitioner and the State of Texas, as reimbursement of the state's Medicaid lien: \$152,297.83.  
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 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.

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Years 36-53 2046-2063	Compensation Years 54-Life 2064-Life
TX CHIP	5%				
THIRP Premium	5%	M			
THIRP Deductible	5%				
THIRP MOP	5%				
THIRP Rx Deductible	5%				
Medicare Part B	5%	M		1,384.80	1,384.80
Medicare Part B Deductible	5%			162.00	
Medigap Premium	5%	M		2,033.04	1,679.04
Medicare Part D	5%	M		4,219.36	4,219.36
Neurologist	5%	*			
Dental Care	5%	*			
Primary Care Physician	5%	*			
Emergency Care	5%	*			
Hospitalizations for Seizures	5%	*			
Ambulance Transport	5%	*			
Surgery - Vagal Nerve Stimulator	5%	*			
CBC	5%	*			
CMP	5%	*			
EEG	5%	*			
Trazodone	5%	*			
Lamotrigine 200mg	5%	*			
Lamotrigine 25mg	5%	*			
Mirtazapine	5%	*			
Risperidone	5%	*			
Divalproex	5%	*			
Clonazepam	5%	*			
Vimpat	5%	*			
Banzel	5%	*			
Ensure	4%	*			
OTC Trmnt for Upper Resp. Inf.	4%			336.00	336.00
Therapies (ST, OT, PT, Cog. Beh)	4%	*			
Feeding Clinic Eval	4%	*			

Appendix A: Items of Compensation for Maurice Lamkin

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Years 36-53 2046-2063	Compensation Years 54-Life 2064-Life
Nurse Case Mngr	4%			300.00	300.00
Camp	4%				
Therapeutic Toys	4%				
Alarm System	4%				
Home Mods - Safety	4%				
Stroller	4%				
Manual WC	4%			157.86	157.86
WC Carrying Pack	4%			5.60	5.60
WC Maint	4%			55.25	55.25
Blender	4%				
Nebulizer	4%	*			
Humidifier	4%				
Gait Belt	4%				
Medical Alert Tag	4%			8.33	8.33
Seizure Monitor	4%				
Rifton Ranger Trike	4%			257.86	257.86
Helmet	4%			39.33	39.33
Adapted Swing	4%				
Frame for Swing	4%				
Adaptive Eating Equip.	4%			80.00	80.00
Clothing	4%			100.00	100.00
Comm Device (Provided by State)	4%				
Comm Device Warranty	4%			405.00	405.00
Desk Top Computer	4%				
Disposable Medical Supplies	4%				
Incontinence Briefs	4%	M		2,424.00	2,424.00
Reusable Swim Briefs	4%				
Mileage: Neurology	4%				
Mileage: Primary Care	4%				
Mileage: Baptist Hospital	4%				
Mileage: Therapies	4%				
ARC Enrollment Fee	4%				

Appendix A: Items of Compensation for Maurice Lamkin

ITEMS OF COMPENSATION	G.R.	*	M	Compensation Years 36-53 2046-2063	Compensation Years 54-Life 2064-Life
ARC After School/School Breaks	4%				
ARC Summer Day Services	4%				
HHA: Wkend and Holiday Respite	4%		M		
HHA: Weekday	4%		M		
ARC Life Enrichment	4%				
Facility Care	4%		M	146,000.00	146,000.00
Lost Future Earnings					
Pain and Suffering					
Past Unreimbursable Expenses					
Medicaid Lien					
Annual Totals				157,968.43	157,452.43

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 Maurice Lamkin, for the benefit of Maurice Lamkin, for lost future earnings (\$729,138.02), pain and suffering (\$229,546.64), and Yr 1 life care expenses (\$154,996.33): \$1,113,680.99  
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 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.

**CERTIFICATE OF SERVICE**

I certify that on this 29<sup>th</sup> day of July 2011, a copy of respondent's **PROFFER ON AWARD OF COMPENSATION** was served, by first class mail, postage prepaid, upon:

David Gordon Hart, Esq.  
The Hart Law Firm  
1900 Industrial Boulevard  
Suite 204  
Colleyville, TX 76034

A handwritten signature in black ink, appearing to read "David Gordon Hart", written over a horizontal line.