

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-512 V
Filed: June 16, 2011
Not for Publication

CAROLYN SIGWING, *
As Special Administrator of the Estate of *
BUDDY SIGWING, *

Petitioner, *

v. *

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

Respondent. *

Tina Huntington, Wichita, KS, for petitioner.
Lisa A. Watts, Washington, DC, for respondent.

Damages Decision based on Stipulation;
Injuries, death, RA, Non-Hodgkin's
B-cell lymphoma, flu vaccine

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On June 16, 2011, the parties filed the attached stipulation, in which they agreed to settle this case and described the settlement terms. Petitioner alleged that Mr. Sigwing suffered from rheumatoid arthritis caused or significantly aggravated by influenza vaccination, resulting in non-Hodgkin's B-cell lymphoma leading to his death. Respondent denies that petitioner's injuries and death were caused in fact by his flu vaccination. Nonetheless, the parties agreed to

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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 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.

resolve this matter informally.

The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards:

A lump sum payment of **\$250,000.00** in the form of a check made payable to petitioner as Special Administrator of the Estate of Buddy Sigwing.

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 16, 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.

death.

6. Respondent denies that the flu vaccine caused Mr. Sigwing's RA and/or was a substantial factor in his death.

7. Maintaining their above-stated positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding the compensation described in paragraph 8 of this Stipulation.

8. As soon as practicable after an entry of judgment reflecting a decision consistent with the terms of this Stipulation, and after petitioner has filed an election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), the Secretary of Health and Human Services will issue the following vaccine compensation payment:

A lump sum payment of \$250,000.00 in the form of a check payable to petitioner as Special Administrator of the Estate of Buddy Sigwing. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).

9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioner has filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the parties will submit to further proceedings before the special master to award reasonable attorneys' fees and costs incurred in proceeding upon this petition.

10. Petitioner and her attorney represent that they have identified to respondent all known sources of payment for items or services for which the Program is not primarily liable under 42 U.S.C. § 300aa-15(g), including State compensation programs, insurance policies, Federal or State health benefits programs (other than Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.)), or entities that provide health services on a pre-paid basis.

11. Payments made pursuant to paragraph 8 and any amounts awarded pursuant to paragraph 9 will be made in accordance with 42 U.S.C. § 300aa-15(i), subject to the availability of sufficient statutory funds.

12. Petitioner represents that she has been appointed as the Special Administrator of the Estate of Buddy Sigwing under the laws of the State of Kansas, and has filed proof of appointment in this case. If petitioner is not authorized by a court of competent jurisdiction to serve as Special Administrator of Buddy Sigwing's estate at the time a payment pursuant to this Stipulation is to be made, any such payment shall be paid to the party or parties appointed by a court of competent jurisdiction to serve as administrator/conservator of the Estate of Buddy Sigwing upon submission of written documentation of such appointment to the Secretary.

13. In return for the payments described in paragraph 8 and 9, petitioner, in her individual capacity, and as the Special Administrator of Mr. Sigwing's estate, on behalf of Mr. Sigwing's heirs, executors, administrators, successors or assigns, does forever irrevocably and unconditionally release, acquit and discharge the United States and the Secretary of Health and Human Services from any and all actions or causes of action (including agreements, judgments, claims, damages, loss of services, expenses and all demands of whatever kind or nature) that have been brought, could have been brought, or could be timely brought in the Court of Federal Claims, under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300 aa-10 et seq., on account of, or in any way growing out of, any and all known or unknown, suspected or unsuspected personal injuries to or death of Buddy Sigwing resulting from, or alleged to have resulted from, the flu vaccine administered to Mr. Sigwing on November 6, 2007, as alleged in a Petition filed on August 5, 2009, an Amended Petition filed on October 21, 2009, and a Second Amended Petition filed on August 23, 2010, in the United States Court of Federal Claims as petition No. 09-512V.

14. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation or if the Court of Federal Claims fails to enter judgment in conformity with a decision that is in complete conformity with the terms of this Stipulation, then the parties' settlement and this Stipulation shall be voidable at the sole discretion of either party.

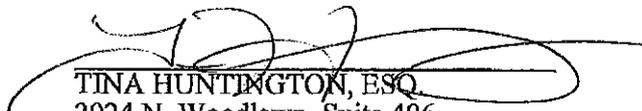
15. This Stipulation expresses a full and complete negotiated settlement of liability and

Respectfully submitted,

PETITIONER:


CAROLYN SIGWING

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Dated: 6-14-2011