

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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ALYSSA VANSCOY, a minor \*  
by her Parents and Natural Guardians, \* No. 13-266V  
SCOTT VANSCOY and \* Special Master Christian J. Moran  
CAROLINE VANSCOY, \*  
Petitioners, \* Filed: October 2, 2013  
\*  
v. \* Damages; decision based on proffer;  
\* human papillomavirus (HPV) vaccine;  
SECRETARY OF HEALTH \* Gardasil; fainting injuries  
AND HUMAN SERVICES, \*  
Respondent. \*  
\*\*\*\*\*

James K. Lo, Harrington, Foxx, et al., Los Angeles, CA, for petitioners.  
Justine E. Daigneault, United States Department of Justice, Washington, DC, for respondent.

### UNPUBLISHED DECISION AWARDING DAMAGES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

On April 15, 2013, Scott and Caroline Van Scoy filed a petition seeking compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-1 et seq., alleging that the human papillomavirus vaccination (Gardasil) their daughter Alyssa received caused her to faint, resulting in multiple facial injuries. On July 3, 2013, the undersigned ruled, based upon respondent's concession, see Respondent's Report, filed July 1, 2013, that petitioners are entitled to compensation.

On September 30, 2013, respondent filed a Proffer on Award of Compensation. Based upon the record as a whole, the special master finds the Proffer reasonable and that petitioners are entitled to an award as stated in the Proffer. Pursuant to the attached Proffer (Appendix A), the court awards petitioners:

- A. A lump sum payment of \$32,205.00, representing compensation for actual and projected pain and suffering (\$20,000.00) and projected unreimbursable expenses (\$12,205.00) in the form of a check payable to petitioners as**

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

**guardians/conservators of Alyssa Van Scoy, for the benefit of Alyssa Van Scoy. No payments shall be made until petitioners provide respondent with documentation establishing that they have been appointed as guardians/conservators of Alyssa Van Scoy's estate; and**

- B. A lump sum payment of \$4,466.78, representing compensation for past unreimbursable expenses, payable to Scott Van Scoy and Caroline Van Scoy, petitioners.**

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.

Any questions may be directed to my law clerk, Tucker McCarthy, at (202) 357-6392.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master



C. Pain and Suffering

Respondent proffers that petitioner should be awarded \$20,000.00 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) and 15(f)(4)(A). Petitioners agree.

D. Anticipated Loss of Earnings

The parties agree that based upon the evidence of record, Alyssa Van Scoy will be gainfully employed in the future. Therefore, respondent proffers that petitioners should be awarded no anticipated loss of earnings under 42 U.S.C. § 300aa-15(a)(3)(A). Petitioners agree.

E. Medicaid Lien

Petitioners represent that there are no outstanding Medicaid liens against them.

**II. Form of the Award**

The parties recommend that the compensation provided to petitioners should be made through lump sum 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 \$32,205.00, representing compensation for actual and projected pain and suffering (\$20,000.00) and projected unreimbursable expenses (\$12,205.00), in the form of a check payable to petitioners as guardians/conservators of Alyssa Van Scoy, for the benefit of Alyssa Van Scoy. No payments shall be made until petitioners provide respondent with documentation establishing that they have been appointed as guardians/conservators of Alyssa Van Scoy's estate; and

B. A lump sum payment of \$4,466.78, representing compensation for past unreimbursable expenses, payable to Scott Van Scoy and Caroline Van Scoy, petitioners.

Respectfully submitted,

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s/ Justine E. Daigneault  
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Dated: September 30, 2013