

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-100 V

Filed: March 24, 2010

KATHERINE MCKELLAR,

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Petitioner,

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Order Granting Voluntary Dismissal

v.

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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Respondent.

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ORDER

On February 18, 2010, petitioner, through her counsel, filed a petition which was docketed as case number 10-100V. It was subsequently discovered that petitioner had previously filed a pro se petition in the Vaccine Program, docketed as case number 09-841V. Petitioner moved to substitute Mr. Ronald C. Homer as counsel for petitioner in case number 09-841V.

On March 23, 2010, petitioner filed an unopposed Motion for a Decision in this case to eliminate the problem of duplicate filings. Petitioner's counsel spoke with the undersigned's law clerk and made it clear that instead of a decision, petitioner instead seeks a voluntary dismissal of this case pursuant to Vaccine Rule 21(a). Respondent does not oppose petitioner's request of a voluntary dismissal of case number 10-100.

Petitioner's amended motion for a voluntary dismissal of this case pursuant to Vaccine Rule 21(a) is hereby **GRANTED**.

IT IS SO ORDERED.

Dated: March 24, 2010

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