



Respondent denies that Victoria's Hepatitis B, inactivated polio, and/or Tetanus-diphtheria vaccines caused her ADEM or any other injury. Stipulation at ¶ 6. Respondent also denies that Victoria's current disabilities are a sequela of a vaccine-related injury. *Id.*

Nevertheless, the parties have agreed to settle the case. On May 22, 2013, the parties filed a joint stipulation agreeing to settle this case and describing the settlement terms. Respondent agrees to pay petitioners:

- A lump sum of **\$6,783.14**, which represents reimbursement of a Mississippi State Medicaid Lien for services rendered on behalf of Victoria, in the form of a check payable jointly to petitioners and MS Division of Medicaid; Attn: Fran Ingram; Walter Sillers Building, Suite 1000; 550 High Street; Jackson, MS 39201; For Victoria Scott/Medicaid #851574646, and
- A lump sum of **\$125,000.00** in the form of a check payable to petitioners, as guardians/conservators of Victoria Scott's estate. This amount represents compensation for all other damages that would be available under § 300aa-15(a).

The special master adopts the parties' stipulation attached hereto, and awards compensation in the amount and on the terms set forth therein. The clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/ Denise K. Vowell**  
Denise K. Vowell  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.

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

VICTORIA SCOTT, a Minor by Her Parents, )  
LESTER SCOTT and FELITIA SCOTT, )  
Petitioners, )  
v. )  
SECRETARY OF HEALTH )  
AND HUMAN SERVICES, )  
Respondent. )

No. 11-265V (BCF)  
Special Master  
DENISE VOWELL

STIPULATION

The parties hereby stipulate to the following matters:

1. Petitioners, Lester Scott and Felitia Scott, as the parents of Victoria Scott ("Victoria"), filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 to 34 (the "Vaccine Program"). The petition seeks compensation for injuries allegedly related to Victoria's receipt of Hepatitis B ("Hep B"), inactivated polio vaccine ("IPV") and/or Tetanus-diphtheria ("Td") vaccines, which vaccines are contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. § 100.3 (a).
2. Victoria received Hep B, IPV and Td vaccines on or about May 16, 2008.
3. The vaccines were administered within the United States.
4. Petitioners claim that Victoria suffered acute demyelinating encephalomyelitis ("ADEM"), which was caused in fact by the Hep B, IPV and/or Td immunizations she received on or about May 16, 2008.
5. Petitioners represent that there has been no prior award or settlement of a civil action for damages on Victoria's behalf as a result of her alleged vaccine injury.

6. Respondent denies that the Hep B, IPV and/or Td vaccines caused Victoria's ADEM or any other injury, and further denies that her current disabilities are a sequela of a vaccine-related injury.

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 petitioners have 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 payments:

- a. A lump sum of \$6,783.14, which amount represents reimbursement of a Mississippi State Medicaid lien for services rendered on behalf of Victoria, in the form of a check payable jointly to petitioners and

MS Division of Medicaid  
Attn: Fran Ingram  
Walter Sillers Building, Suite 1000  
550 High Street  
Jackson, MS 39201  
For Victoria Scott/Medicaid #851574646

Petitioners agree to endorse this payment to MS Division of Medicaid; and

- b. A lump sum of \$125,000.00 in the form of a check payable to petitioners, as guardians/conservators of Victoria Scott's estate, representing compensation for all other 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 petitioners have 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. Petitioners and their 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 prepaid basis.

11. Payments made pursuant to paragraph 8 of this Stipulation 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. The parties and their attorneys further agree and stipulate that, except for any award for attorney's fees and litigation costs, and past unreimbursed expenses, the money provided pursuant to this Stipulation will be used solely for the benefit of Victoria as contemplated by a strict construction of 42 U.S.C. § 300aa-15(a) and (d), and subject to the conditions of 42 U.S.C. § 300aa-15(g) and (h).

13. Petitioners represent that they presently are, or within 90 days of the date of judgment will become, duly authorized to serve as guardians/conservators of Victoria Scott's estate under the laws of the State of Mississippi. No payments pursuant to this Stipulation shall be made until petitioners provide the Secretary with documentation establishing their appointment as guardians/conservators of Victoria Scott's estate. If petitioners are not authorized by a court of competent jurisdiction to serve as guardians/conservators of Victoria Scott'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 guardian(s)/conservator(s) of Victoria Scott's estate upon submission of written documentation of such appointment to the Secretary.

14. In return for the payments described in paragraphs 8 and 9, petitioners, in their individual capacity and as guardians/conservators of Victoria Scott's estate, and on behalf of Victoria, and Victoria's heirs, executors, administrators, successors, and assigns, do 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 United States Court of Federal Claims, under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-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 Victoria Scott resulting from, or alleged to have resulted from, the Hep B, IPV and/or Td vaccinations administered on or about May 16, 2008, as alleged by petitioners in a petition for vaccine compensation filed on or about April 29, 2011, in the United States Court of Federal Claims as petition No. 11-265V.

15. If Victoria should die prior to entry of judgment, this agreement shall be voidable upon proper notice to the Court on behalf of either or both of the parties.

16. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation or if the United States 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.

17. This Stipulation expresses a full and complete negotiated settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended, except as otherwise noted in paragraph 9 above. There is absolutely no agreement on the part of the

parties hereto to make any payment or do any act or thing other than is herein expressly stated and clearly agreed to. The parties further agree and understand that the award described in this Stipulation may reflect a compromise of the parties' respective positions as to liability and/or amount of damages, and further, that a change in the nature of the injury or condition or in the items of compensation sought, is not grounds to modify or revise this agreement.

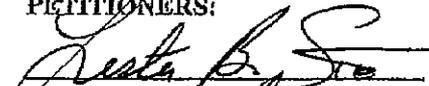
18. This Stipulation shall not be construed as an admission by the United States or the Secretary of Health and Human Services that the Hep B, IPV and/or Td vaccinations caused Victoria's ADEM or any other injury or any of her current disabilities.

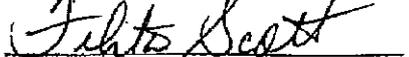
19. All rights and obligations of petitioners hereunder shall apply equally to petitioners' heirs, executors, administrators, successors, and/or assigns, as guardians/conservators of Victoria Scott's estate.

END OF STIPULATION

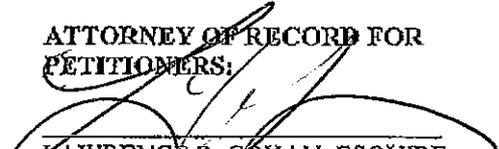
Respectfully submitted,

PETITIONERS:

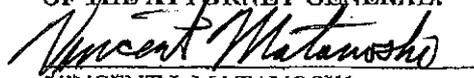
  
LESTER SCOTT

  
FELITIA SCOTT

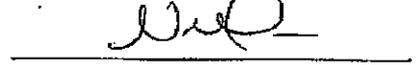
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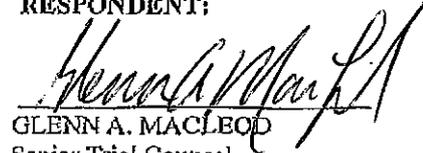
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Dated: 5/22/13