

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS
No. 08-701V
Filed: October 22, 2010**

| | | |
|--|--|---|
| <p>LORINE JOHNSON, legal representative of Aidan Johnson, a minor child,</p> <p style="text-align: center;">Petitioners,</p> <p>V.</p> <p>SECRETARY OF HEALTH AND HUMAN SERVICES,</p> <p style="text-align: center;">Respondent.</p> | <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> | <p>Damages Decision Based on Proffer; Neurological Injury/Right Femoral Nerve; Various Vaccines</p> |
|--|--|---|

Terry Friedman, Esq., Sparks, NV, for petitioner.
Lynn Ricciardella, Esq., U.S. Dept. of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Vowell, Special Master:

On October 2, 2008, Lorine Johnson filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10, *et seq.*² [the “Vaccine Act” or “Program”] alleging that her son, Aidan Johnson, developed a neurological injury to his right femoral nerve as a result of vaccinations he received on March 6, 2006.³ Petition at 1-2. On December 11, 2008, respondent recommended

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

³ Aidan received diphtheria, tetanus, acellular pertussis; hepatitis B; inactivated polio virus; haemophilus influenzae type b; and pneumococcal heptavalent conjugate vaccinations. See Pet., ¶ 3.

that compensation be awarded in this case. On January 30, 2009, the special master presiding over this case at the time issued an order providing guidance on the resolution of damages. The case was reassigned to me on March 31, 2010, while the parties were working toward resolution.

Petitioner filed her life care plan as Petitioner's Exhibit 21 on January 22, 2010. Respondent then filed her life care plan as Respondent's Exhibit A on June 24, 2010. On October 1, 2010, respondent filed a proffer on award of compensation detailing compensation for life care items, pain and suffering, and past unreimbursable expenses ["Proffer"]. On October 15, 2010, petitioner filed notice that she accepts respondent's Proffer.

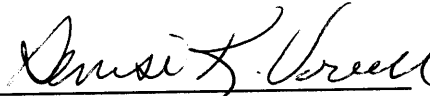
Pursuant to the terms stated in the attached Proffer, I award petitioner:

1. **A lump sum payment of \$119,426.39, in the form of a check payable to petitioner, Lorine Johnson, as guardian/conservator of the estate of Aidan Johnson, for the benefit of Aidan Johnson,** representing the discounted present value of life care expenses expected to be incurred over Aidan Johnson's life (\$39,426.39), and pain and suffering (\$80,000.00) This payment shall not be made until petitioner provides respondent with documentation establishing that she has been appointed as the guardian/conservator of Aidan Johnson's estate;
2. **A lump sum payment of \$7,512.70 in the form of a check payable to petitioner, Lorine Johnson,** representing compensation for past unreimbursable expenses.

These amounts represent compensation for all damages that would be available under § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.⁴

IT IS SO ORDERED.


Denise K. Vowell
Special Master

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.

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IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

LORINE JOHNSON, legal representative of AIDAN JOHNSON, a minor child,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

No. 08-701V Special Master Vowell

RECEIVED SEP 30 2010 U.S. COURT OF FEDERAL CLAIMS

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RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

I. Items of Compensation

A. Life Care Items

The respondent engaged life care planner Suzanne Labansky, MSN, CRRN, CCM, CLCP, MSC, and Jacqueline Morris, RN, BSN, CRRN, CNCLP, and petitioner engaged life care planner Liz Holakiewicz, RN, BSN, CCM, CNLCP, to provide an estimation of Aidan Johnson's future vaccine-injury related needs. All items of compensation identified in the life care plan are supported by the evidence and are illustrated by the spreadsheet analysis entitled Appendix A: Discounted Present Value of Life Care Items of Compensation for Aidan Johnson, attached hereto as Tab A.¹ Respondent proffers that Aidan Johnson should be awarded all items of compensation set forth in the life care plan and illustrated by the spreadsheet analysis attached at Tab A. Petitioner agrees.

¹ The chart at Tab A illustrates the annual expenses projected in the life care plan, discounted over Aidan Johnson's life expectancy at the net discount rates indicated.

B. Lost Earnings

The parties agree that based upon the evidence of record, Aidan Johnson is more likely than not to be gainfully employed. Therefore, respondent proffers that Aidan Johnson should not be awarded lost earnings as provided under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(3)(B). Petitioner agrees.

C. Pain and Suffering

Respondent proffers that Aidan Johnson should be awarded \$80,000.00 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). Petitioner agrees.

D. Past Unreimbursable Expenses

Evidence supplied by petitioner documents her expenditure of past unreimbursable expenses related to Aidan Johnson's vaccine-related injury. Respondent proffers that petitioner should be awarded past unreimbursable expenses in the amount of \$7,512.70. Petitioner agrees.

E. Medicaid Lien

Petitioner represents that there are no Medicaid liens outstanding against Aidan Johnson.

II. Form of the Award

The parties recommend that the compensation provided to Aidan Johnson should be made through a lump sum payment 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 \$119,426.39, representing the discounted present value of life care expenses expected to be incurred over Aidan Johnson's life (\$39,426.39), and pain and suffering (\$80,000.00), in the form of a check payable to petitioner, Lorine

Johnson, as guardian/conservator of the estate of Aidan Johnson, for the benefit of Aidan Johnson. No payments shall be made until petitioner provides respondent with documentation establishing that she has been appointed as the guardian/conservator of Aidan Johnson's estate;

B. A lump sum payment of \$7,512.70, representing compensation for past unreimbursable expenses, payable to Lorine Johnson, petitioner.

1. Guardianship

No payments under section II. A. shall be made until petitioner provides the Secretary with documentation establishing her appointment as the guardian/conservator of Aidan Johnson's estate. If petitioner is not authorized by a court of competent jurisdiction to serve as guardian/conservator of the estate of Aidan Johnson at the time a payment 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 the estate of Aidan Johnson 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 the estate of Aidan Johnson, for the benefit of Aidan Johnson, for future vaccine related life care expenses and pain and suffering: | \$119,426.39 |
| B. | A lump sum paid to petitioner: | \$ 7,512.70 |


Respectfully submitted,

TONY WEST
Assistant Attorney General

TIMOTHY P. GARREN
Director
Torts Branch, Civil Division

MARK W. ROGERS
Deputy Director
Torts Branch, Civil Division


LINDA S. RENZI
Senior Trial Counsel
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LYNN E. RICCIARDELLA
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Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
Telephone: (202) 616-4356

Dated: September 30, 2010

APPENDIX A: DISCOUNTED PRESENT VALUE OF LIFE CARE ITEMS OF COMPENSATION FOR AIDAN JOHNSON

Petitioner: Aidan Johnson, D.O.B. 10/26/2005
 Total Discounted Present Value of Life Care Items: \$39,426.39
 Annual Amounts Follow Anniversary Dates of Judgment
 and to be discounted at 2% NDR for non-medical and 1% NDR for medical items
 Items Denoted with Asterisk (*) Covered by Insurance and/or Medicare

| Year | Year from Judgment | Age | United Healthcare Ins 1% Normal Exp. | Medicare Part A 1% * | Medicare Part B (?) covered 1% * | Orthopedics 1% * | Post Fracture Care 1% * | Casp Application and Change 1% * | Neurology 1% * | PT Eval 2% * | PT 2% * | YMCA Membership 2% |
|------|--------------------|-----|--------------------------------------|----------------------|----------------------------------|------------------|-------------------------|----------------------------------|----------------|--------------|---------|--------------------|
| 2010 | 0 | 5 | - | - | - | 160.00 | - | - | 40.00 | 24.00 | 912.00 | - |
| 2011 | 1 | 6 | - | - | - | 158.42 | - | - | 39.60 | 23.53 | 894.12 | - |
| 2012 | 2 | 7 | - | - | - | 78.42 | - | - | 39.21 | 23.07 | 876.59 | - |
| 2013 | 3 | 8 | - | - | - | 77.65 | - | - | 38.82 | 22.62 | 859.40 | - |
| 2014 | 4 | 9 | - | - | - | 76.88 | - | - | 38.44 | 22.17 | 842.55 | - |
| 2015 | 5 | 10 | - | - | - | 76.12 | - | - | 38.06 | 21.74 | 826.03 | - |
| 2016 | 6 | 11 | - | - | - | 75.36 | - | - | 37.68 | 21.31 | 809.83 | - |
| 2017 | 7 | 12 | - | - | - | 74.62 | - | - | 10.66 | 20.89 | 793.95 | - |
| 2018 | 8 | 13 | - | - | - | 73.88 | - | - | 10.56 | - | - | - |
| 2019 | 9 | 14 | - | - | - | 73.15 | - | - | 10.45 | - | - | - |
| 2020 | 10 | 15 | - | - | - | 72.42 | - | - | 10.35 | - | - | - |
| 2021 | 11 | 16 | - | - | - | 71.71 | - | - | 10.24 | - | - | - |
| 2022 | 12 | 17 | - | - | - | 71.00 | - | - | 10.14 | - | - | - |
| 2023 | 13 | 18 | - | - | - | 70.29 | - | - | 10.04 | - | - | - |
| 2024 | 14 | 19 | - | - | - | 34.80 | - | - | 9.94 | - | - | - |
| 2025 | 15 | 20 | - | - | - | 9.85 | - | - | 9.85 | - | - | - |
| 2026 | 16 | 21 | - | - | - | 9.75 | - | - | 9.75 | - | - | - |
| 2027 | 17 | 22 | - | - | - | 9.65 | - | - | 9.65 | - | - | - |
| 2028 | 18 | 23 | - | - | - | 9.56 | - | - | 9.56 | - | - | - |
| 2029 | 19 | 24 | - | - | - | 9.46 | - | - | 9.46 | - | - | - |
| 2030 | 20 | 25 | - | - | - | 9.37 | - | - | 9.37 | - | - | - |
| 2031 | 21 | 26 | - | - | - | 9.27 | - | - | 9.27 | - | - | - |
| 2032 | 22 | 27 | - | - | - | 9.18 | - | - | 9.18 | - | - | - |
| 2033 | 23 | 28 | - | - | - | 9.09 | - | - | 9.09 | - | - | - |
| 2034 | 24 | 29 | - | - | - | 9.00 | - | - | 9.00 | - | - | - |
| 2035 | 25 | 30 | - | - | - | 8.91 | - | - | 8.91 | 14.63 | 57.91 | 285.26 |
| 2036 | 26 | 31 | - | - | - | 8.82 | - | - | 8.82 | 14.34 | 56.77 | 279.67 |
| 2037 | 27 | 32 | - | - | - | 8.74 | - | - | 8.74 | 14.06 | 55.66 | 274.18 |
| 2038 | 28 | 33 | - | - | - | 8.65 | - | - | 8.65 | 13.78 | 54.57 | 268.81 |
| 2039 | 29 | 34 | - | - | - | 8.56 | - | - | 8.56 | 13.51 | 53.50 | 263.54 |
| 2040 | 30 | 35 | - | - | - | 8.48 | 178.06 | 178.06 | 8.48 | 13.25 | 52.45 | 258.37 |
| 2041 | 31 | 36 | - | - | - | 8.40 | - | - | 8.40 | 12.99 | 51.42 | 253.30 |
| 2042 | 32 | 37 | - | - | - | 8.31 | - | - | 8.31 | 12.74 | 50.41 | 248.34 |
| 2043 | 33 | 38 | - | - | - | 8.23 | - | - | 8.23 | 12.49 | 49.42 | 243.47 |
| 2044 | 34 | 39 | - | - | - | 8.15 | - | - | 8.15 | 12.24 | 48.45 | 238.69 |
| 2045 | 35 | 40 | - | - | - | 8.07 | - | - | 8.07 | 12.00 | 47.50 | 234.01 |
| 2046 | 36 | 41 | - | - | - | 7.99 | - | - | 7.99 | 11.77 | 46.57 | 229.42 |

Ex. A

APPENDIX A: DISCOUNTED PRESENT VALUE OF LIFE CARE ITEMS OF COMPENSATION FOR AIDAN JOHNSON

Petitioner: Aidan Johnson, D.O.B. 10/26/2005
 Total Discounted Present Value of Life Care Items: \$39,426.39
 Annual Amounts Follow Anniversary Dates of Judgment
 and to be discounted at 2% NDR for non-medical and 1% NDR for medical items
 Items Denoted with Asterisk (*) Covered by Insurance and/or Medicare

| Year | Year from Judgment | Age | United Healthcare Ins 1% Normal Exp. | Medicare Part A 1% * | Medicare Part B (? covered) 1% * | Orthopedics 1% * | Fracture Care 1% * | Post Fracture Care 1% * | Case Application and Change 1% * | Neurology 1% * | PT Eval 2% * | PT 2% * | YMCA Membership 2% |
|------|--------------------|-----|---|-------------------------|-------------------------------------|---------------------|-----------------------|----------------------------|-------------------------------------|-------------------|-----------------|------------|--------------------|
| 2047 | 37 | 42 | - | - | - | 7.91 | - | - | - | 7.91 | 11.53 | 45.66 | 224.93 |
| 2048 | 38 | 43 | - | - | - | 7.83 | - | - | - | 7.83 | 11.31 | 44.76 | 220.52 |
| 2049 | 39 | 44 | - | - | - | 7.75 | - | - | - | 7.75 | 11.09 | 43.89 | 216.19 |
| 2050 | 40 | 45 | - | - | - | 7.68 | - | - | - | 7.68 | 10.87 | 43.02 | 211.95 |
| 2051 | 41 | 46 | - | - | - | 7.60 | - | - | - | 7.60 | 10.66 | 42.18 | 207.80 |
| 2052 | 42 | 47 | - | - | - | 7.53 | - | - | - | 7.53 | 10.45 | 41.35 | 203.72 |
| 2053 | 43 | 48 | - | - | - | 7.45 | - | - | - | 7.45 | 10.24 | 40.54 | 199.73 |
| 2054 | 44 | 49 | - | - | - | 7.38 | - | - | - | 7.38 | 10.04 | 39.75 | 195.81 |
| 2055 | 45 | 50 | - | - | - | 7.30 | - | - | - | 7.30 | 9.84 | 38.97 | 191.97 |
| 2056 | 46 | 51 | - | - | - | 7.23 | - | - | - | 7.23 | 9.65 | 38.20 | 188.21 |
| 2057 | 47 | 52 | - | - | - | 7.16 | - | - | - | 7.16 | 9.46 | 37.46 | 184.52 |
| 2058 | 48 | 53 | - | - | - | 7.09 | 148.86 | 148.86 | - | 7.09 | 9.28 | 36.72 | 180.90 |
| 2059 | 49 | 54 | - | - | - | 7.02 | - | - | - | 7.02 | 9.10 | 36.00 | 177.35 |
| 2060 | 50 | 55 | - | - | - | 6.95 | - | - | - | 6.95 | 8.92 | 35.30 | 173.88 |
| 2061 | 51 | 56 | - | - | - | 6.88 | - | - | - | 6.88 | 8.74 | 34.60 | 170.47 |
| 2062 | 52 | 57 | - | - | - | 6.81 | - | - | - | 6.81 | 8.57 | 33.92 | 167.12 |
| 2063 | 53 | 58 | - | - | - | 6.75 | - | - | - | 6.75 | 8.40 | 33.26 | 163.85 |
| 2064 | 54 | 59 | - | - | - | 6.68 | - | - | - | 6.68 | 8.24 | 32.61 | 160.63 |
| 2065 | 55 | 60 | - | - | - | 6.61 | - | - | - | 6.61 | 8.08 | 31.97 | 157.48 |
| 2066 | 56 | 61 | - | - | - | 6.55 | - | - | - | 6.55 | 7.92 | 31.34 | 154.40 |
| 2067 | 57 | 62 | - | - | - | 6.48 | - | - | - | 6.48 | 7.76 | 30.73 | 151.37 |
| 2068 | 58 | 63 | - | - | - | 6.42 | - | - | - | 6.42 | 7.61 | 30.12 | 148.40 |
| 2069 | 59 | 64 | - | - | - | 6.35 | - | - | - | 6.35 | 7.46 | 29.53 | 145.49 |
| 2070 | 60 | 65 | - | - | - | 6.29 | - | - | - | 6.29 | 7.31 | 28.95 | 142.64 |
| 2071 | 61 | 66 | - | - | - | 6.23 | - | - | - | 6.23 | 7.17 | 28.39 | 139.84 |
| 2072 | 62 | 67 | - | - | - | 6.17 | - | - | - | 6.17 | 7.03 | 27.83 | 137.10 |
| 2073 | 63 | 68 | - | - | - | 6.11 | - | - | - | 6.11 | 6.89 | 27.28 | 134.41 |
| 2074 | 64 | 69 | - | - | - | 6.05 | - | - | - | 6.05 | 6.76 | 26.75 | 131.78 |
| 2075 | 65 | 70 | - | - | - | 5.99 | - | - | - | 5.99 | 6.63 | 26.22 | 129.19 |
| 2076 | 66 | 71 | - | - | - | 5.93 | - | - | - | 5.93 | 6.50 | 25.71 | 126.66 |
| 2077 | 67 | 72 | - | - | - | 5.87 | - | - | - | 5.87 | 6.37 | 25.21 | 124.18 |
| 2078 | 68 | 73 | - | - | - | 5.81 | - | - | - | 5.81 | 6.24 | 24.71 | 121.74 |
| 2079 | 69 | 74 | - | - | - | 5.75 | - | - | - | 5.75 | 6.12 | 24.23 | 119.35 |
| 2080 | 70 | 75 | - | - | - | 5.70 | - | - | - | 5.70 | 6.00 | 23.75 | 117.01 |
| 2081 | 71 | 76 | - | - | - | 5.64 | - | - | - | 5.64 | 5.88 | 23.29 | 114.72 |
| | | | 0.00 | 0.00 | 0.00 | 1,675.16 | 326.92 | 326.92 | 326.92 | 858.66 | 631.25 | 8,603.30 | 8,812.37 |

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|------|--------------------|-----|----------------------|-----------------------|-----------------|------------------------|--------------|---------------|----------------|-----------------------------|------------------------------------|------------------------|
| 2010 | 0 | 5 | - | - | - | - | - | - | - | 80.26 | 35.67 | - |
| 2011 | 1 | 6 | - | - | - | - | - | - | - | 79.47 | 35.32 | - |
| 2012 | 2 | 7 | - | - | - | - | - | - | - | 39.34 | 17.49 | - |
| 2013 | 3 | 8 | - | - | - | - | - | - | - | 38.95 | 17.32 | - |
| 2014 | 4 | 9 | - | - | - | - | - | - | - | 38.56 | 17.14 | - |
| 2015 | 5 | 10 | - | - | - | - | - | - | - | 38.18 | 16.97 | - |
| 2016 | 6 | 11 | - | - | - | - | - | - | - | 37.80 | 16.81 | - |
| 2017 | 7 | 12 | - | - | - | - | - | - | - | 37.43 | 16.64 | - |
| 2018 | 8 | 13 | - | - | - | - | - | - | - | 37.06 | 16.47 | - |
| 2019 | 9 | 14 | - | - | - | - | - | - | - | 36.69 | 16.31 | - |
| 2020 | 10 | 15 | - | - | - | - | - | - | - | 36.33 | 16.15 | - |
| 2021 | 11 | 16 | - | - | - | - | - | - | - | 35.97 | 15.99 | - |
| 2022 | 12 | 17 | - | - | - | - | - | - | - | 35.61 | 15.83 | - |
| 2023 | 13 | 18 | - | - | - | - | - | - | - | 35.26 | 15.68 | - |
| 2024 | 14 | 19 | - | - | - | - | - | - | - | - | - | - |
| 2025 | 15 | 20 | 190.58 | - | - | - | - | - | - | - | - | - |
| 2026 | 16 | 21 | - | - | - | - | - | - | - | - | - | - |
| 2027 | 17 | 22 | 407.07 | - | - | - | - | - | - | 16.95 | 7.53 | - |
| 2028 | 18 | 23 | - | - | - | - | - | - | - | 4.79 | 2.13 | - |
| 2029 | 19 | 24 | - | - | - | - | - | - | - | 4.74 | 2.11 | - |
| 2030 | 20 | 25 | - | - | - | - | - | - | - | 4.70 | 2.09 | - |
| 2031 | 21 | 26 | - | - | - | - | - | - | - | 4.65 | 2.07 | - |
| 2032 | 22 | 27 | - | - | - | - | - | - | - | 4.60 | 2.05 | - |
| 2033 | 23 | 28 | - | - | - | - | - | - | - | 4.56 | 2.03 | - |
| 2034 | 24 | 29 | - | - | - | - | - | - | - | 4.51 | 2.01 | - |
| 2035 | 25 | 30 | - | - | 200.05 | 144.10 | - | - | - | 4.47 | 1.99 | 12.32 |
| 2036 | 26 | 31 | - | - | 65.38 | 142.67 | - | - | - | 4.42 | 1.97 | 3.48 |
| 2037 | 27 | 32 | - | - | 64.09 | 141.26 | - | - | - | 4.38 | 1.95 | 3.45 |
| 2038 | 28 | 33 | - | - | 62.84 | 139.86 | - | - | - | 4.34 | 1.93 | 3.41 |
| 2039 | 29 | 34 | - | - | 61.60 | 138.48 | - | - | - | 4.29 | 1.91 | 3.38 |
| 2040 | 30 | 35 | - | 314.68 | 60.40 | 137.11 | - | 406.87 | - | 4.25 | 1.89 | 3.35 |
| 2041 | 31 | 36 | - | - | 59.21 | 135.75 | - | - | - | 4.21 | 1.87 | 3.31 |
| 2042 | 32 | 37 | - | - | 58.05 | 134.41 | - | - | - | 4.17 | 1.85 | 3.28 |
| 2043 | 33 | 38 | - | - | 56.91 | 133.08 | - | - | - | 4.13 | 1.84 | 3.25 |
| 2044 | 34 | 39 | - | - | 55.80 | 131.76 | - | - | - | 4.09 | 1.82 | 3.22 |
| 2045 | 35 | 40 | - | - | 54.70 | 130.45 | - | - | - | 4.04 | 1.80 | 3.18 |
| 2046 | 36 | 41 | - | - | 53.63 | 129.16 | - | - | - | 4.00 | 1.78 | 3.15 |

Petitioner: Aidan Johnson, D.O.B. 10/26/2005
 Total Discounted Present Value of Life Care Items: \$39,426.39
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 and to be discounted at 2% NDR for non-medical and 1% NDR for medical items
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| Year | Year from Judgment | Age | PT Post Surgery 2%* | PT Post Fracture 2%* | KAFO Brace 2%* | Anti-Inflammatory 1%* | MRI Hip 1%* | MRI Knee 1%* | MRI Ankle 1%* | X-rays Right Leg/ Knee 1%* | X-ray Right Leg/Knee Prof Fee 1%* | X-ray Right Ankle 1%* |
|------|--------------------|-----|---------------------|----------------------|----------------|-----------------------|-------------|--------------|---------------|----------------------------|-----------------------------------|-----------------------|
| 2047 | 37 | 42 | - | - | 52.58 | 127.88 | - | - | - | 3.97 | 1.76 | 3.12 |
| 2048 | 38 | 43 | - | - | 51.55 | 126.62 | - | - | - | 3.93 | 1.75 | 3.09 |
| 2049 | 39 | 44 | - | - | 50.54 | 125.36 | - | - | - | 3.89 | 1.73 | 3.06 |
| 2050 | 40 | 45 | - | - | 49.55 | 124.12 | - | - | 401.82 | 3.85 | 1.71 | 3.03 |
| 2051 | 41 | 46 | - | - | 48.57 | 122.89 | - | - | - | 3.81 | 1.70 | 3.00 |
| 2052 | 42 | 47 | - | - | 47.62 | 121.68 | - | - | - | 3.77 | 1.68 | 2.97 |
| 2053 | 43 | 48 | - | - | 46.69 | 120.47 | - | - | - | 3.74 | 1.66 | 2.94 |
| 2054 | 44 | 49 | - | - | 45.77 | 119.28 | - | - | - | 3.70 | 1.65 | 2.91 |
| 2055 | 45 | 50 | - | - | 44.88 | 118.10 | - | - | - | 3.66 | 1.63 | 2.88 |
| 2056 | 46 | 51 | - | - | 44.00 | 116.93 | - | - | - | 3.63 | 1.61 | 2.85 |
| 2057 | 47 | 52 | - | - | 43.13 | 115.77 | - | - | - | 3.59 | 1.60 | 2.83 |
| 2058 | 48 | 53 | - | 220.33 | 42.29 | 114.62 | 371.08 | - | - | 3.55 | 1.58 | 2.80 |
| 2059 | 49 | 54 | - | - | 41.46 | 113.49 | - | - | - | 3.52 | 1.57 | 2.77 |
| 2060 | 50 | 55 | - | - | 40.65 | 112.37 | - | - | - | 3.48 | 1.55 | 2.74 |
| 2061 | 51 | 56 | - | - | 39.85 | 111.25 | - | - | - | 3.45 | 1.54 | 2.72 |
| 2062 | 52 | 57 | - | - | 39.07 | 110.15 | - | - | - | 3.42 | 1.52 | 2.69 |
| 2063 | 53 | 58 | - | - | 38.30 | 109.06 | - | - | - | 3.38 | 1.50 | 2.66 |
| 2064 | 54 | 59 | - | - | 37.55 | 107.98 | - | - | - | 3.35 | 1.49 | 2.64 |
| 2065 | 55 | 60 | - | - | 36.81 | 106.91 | - | - | - | 3.31 | 1.48 | 2.61 |
| 2066 | 56 | 61 | - | - | 36.09 | 105.85 | - | - | - | 3.28 | 1.46 | 2.58 |
| 2067 | 57 | 62 | - | - | 35.38 | 104.81 | - | - | - | 3.25 | 1.45 | 2.56 |
| 2068 | 58 | 63 | - | - | 34.69 | 103.77 | - | - | - | 3.22 | 1.43 | 2.53 |
| 2069 | 59 | 64 | - | - | 34.01 | 102.74 | - | - | - | 3.19 | 1.42 | 2.51 |
| 2070 | 60 | 65 | - | - | 33.34 | 101.72 | - | - | - | 3.15 | 1.40 | 2.48 |
| 2071 | 61 | 66 | - | - | 32.69 | 100.72 | - | - | - | 3.12 | 1.39 | 2.46 |
| 2072 | 62 | 67 | - | - | 32.05 | 99.72 | - | - | - | 3.09 | 1.38 | 2.43 |
| 2073 | 63 | 68 | - | - | 31.42 | 98.73 | - | - | - | 3.06 | 1.36 | 2.41 |
| 2074 | 64 | 69 | - | - | 30.80 | 97.75 | - | - | - | 3.03 | 1.35 | 2.39 |
| 2075 | 65 | 70 | - | - | 30.20 | 96.79 | - | - | - | 3.00 | 1.34 | 2.36 |
| 2076 | 66 | 71 | - | - | 29.61 | 95.83 | - | - | - | 2.97 | 1.32 | 2.34 |
| 2077 | 67 | 72 | - | - | 29.03 | 94.88 | - | - | - | 2.94 | 1.31 | 2.32 |
| 2078 | 68 | 73 | - | - | 28.46 | 93.94 | - | - | - | 2.91 | 1.30 | 2.29 |
| 2079 | 69 | 74 | - | - | 27.90 | 93.01 | - | - | - | 2.88 | 1.28 | 2.27 |
| 2080 | 70 | 75 | - | - | 27.35 | 92.09 | - | - | - | 2.86 | 1.27 | 2.25 |
| 2081 | 71 | 76 | - | - | 26.82 | 91.18 | - | - | - | 2.83 | 1.26 | 2.23 |
| | | | 597.65 | 535.01 | 2,193.36 | 5,436.55 | 371.08 | 406.87 | 401.82 | 824.98 | 366.84 | 141.50 |

Petitioner: Aidan Johnson, D.O.B. 10/26/2005
 Total Discounted Present Value of Life Care Items: \$39,426.39
 Annual Amounts Follow Anniversary Dates of Judgment
 and to be discounted at 2% NDR for non-medical and 1% NDR for medical items
 Items Denoted with Asterisk (*) Covered by Insurance and/or Medicare

| Year | Year from Judgment | Age | X-ray Right Ankle Proff Fee 1% * | X-ray Right Hip 1% * | X-ray Right Hip Proff Fee 1% * | Ligament Arthroscopy 1% * | Meniscus Arthroscopy 1% * | Ankle Fusion 1% * | ORIF Tib/Fib Fracture 1% | Femur Fracture 1% | Annual Total |
|------|--------------------|-----|----------------------------------|----------------------|--------------------------------|---------------------------|---------------------------|-------------------|--------------------------|-------------------|--------------|
| 2010 | 0 | 5 | - | - | - | - | - | - | - | - | 1,251.93 |
| 2011 | 1 | 6 | - | - | - | - | - | - | - | - | 1,230.46 |
| 2012 | 2 | 7 | - | - | - | - | - | - | - | - | 1,074.12 |
| 2013 | 3 | 8 | - | - | - | - | - | - | - | - | 1,054.76 |
| 2014 | 4 | 9 | - | - | - | - | - | - | - | - | 1,035.74 |
| 2015 | 5 | 10 | - | - | - | - | - | - | - | - | 1,017.10 |
| 2016 | 6 | 11 | - | - | - | - | - | - | - | - | 998.79 |
| 2017 | 7 | 12 | - | - | - | - | - | - | - | - | 954.19 |
| 2018 | 8 | 13 | - | - | - | - | - | - | - | - | 137.97 |
| 2019 | 9 | 14 | - | - | - | - | - | - | - | - | 136.60 |
| 2020 | 10 | 15 | - | - | - | - | - | - | - | - | 135.25 |
| 2021 | 11 | 16 | - | - | - | - | - | - | - | - | 133.91 |
| 2022 | 12 | 17 | - | - | - | - | - | - | - | - | 132.58 |
| 2023 | 13 | 18 | - | - | - | - | - | - | - | - | 131.27 |
| 2024 | 14 | 19 | - | - | - | - | - | - | - | - | 44.74 |
| 2025 | 15 | 20 | - | - | - | 1,886.23 | - | - | - | - | 2,096.51 |
| 2026 | 16 | 21 | - | - | - | - | - | - | - | - | 19.50 |
| 2027 | 17 | 22 | - | - | - | - | 1,344.00 | - | - | - | 1,794.85 |
| 2028 | 18 | 23 | - | - | - | - | - | - | - | - | 26.04 |
| 2029 | 19 | 24 | - | - | - | - | - | - | - | - | 25.77 |
| 2030 | 20 | 25 | - | - | - | - | - | - | - | - | 25.53 |
| 2031 | 21 | 26 | - | - | - | - | - | - | - | - | 25.26 |
| 2032 | 22 | 27 | - | - | - | - | - | - | - | - | 25.01 |
| 2033 | 23 | 28 | - | - | - | - | - | - | - | - | 24.77 |
| 2034 | 24 | 29 | - | - | - | - | - | - | - | - | 24.52 |
| 2035 | 25 | 30 | 5.82 | 27.00 | 10.35 | - | - | - | - | - | 781.72 |
| 2036 | 26 | 31 | 1.64 | 7.64 | 2.93 | - | - | - | - | - | 598.55 |
| 2037 | 27 | 32 | 1.63 | 7.56 | 2.90 | - | - | - | - | - | 588.60 |
| 2038 | 28 | 33 | 1.61 | 7.49 | 2.87 | - | - | - | - | - | 578.81 |
| 2039 | 29 | 34 | 1.60 | 7.41 | 2.84 | - | - | - | - | - | 569.18 |
| 2040 | 30 | 35 | 1.58 | 7.34 | 2.81 | - | - | - | 1,110.58 | - | 2,748.01 |
| 2041 | 31 | 36 | 1.56 | 7.26 | 2.78 | - | - | - | - | - | 550.46 |
| 2042 | 32 | 37 | 1.55 | 7.19 | 2.76 | - | - | - | - | - | 541.37 |
| 2043 | 33 | 38 | 1.53 | 7.12 | 2.73 | - | - | - | - | - | 532.43 |
| 2044 | 34 | 39 | 1.52 | 7.05 | 2.70 | - | - | - | - | - | 523.64 |
| 2045 | 35 | 40 | 1.50 | 6.98 | 2.68 | - | - | - | - | - | 514.98 |
| 2046 | 36 | 41 | 1.49 | 6.91 | 2.65 | - | - | - | - | - | 506.51 |

Petitioner: Aidan Johnson, D.O.B. 10/26/2005
 Total Discounted Present Value of Life Care Items: \$39,426.39
 Annual Amounts Follow Anniversary Dates of Judgment
 and to be discounted at 2% NDR for non-medical and 1% NDR for medical items
 Items Denoted with Asterisk (*) Covered by Insurance and/or Medicare

| Year | Year from Judgment | Age | X-ray Right Ankle Proff Fee 1% * | X-ray Right Hip 1% * | X-ray Right Hip Proff Fee 1% * | Ligament Arthroscopy 1% * | Meniscus Arthroscopy 1% * | Ankle Fusion 1% * | ORIF Tib/Fib Fracture 1% | Femur Fracture 1% | Annual Total |
|------|--------------------|-----|----------------------------------|----------------------|--------------------------------|---------------------------|---------------------------|-------------------|--------------------------|-------------------|--------------|
| 2047 | 37 | 42 | 1.47 | 6.84 | 2.62 | - | - | - | - | - | 498.18 |
| 2048 | 38 | 43 | 1.46 | 6.78 | 2.60 | - | - | - | - | - | 490.03 |
| 2049 | 39 | 44 | 1.44 | 6.71 | 2.57 | - | - | - | - | - | 481.97 |
| 2050 | 40 | 45 | 1.43 | 6.64 | 2.55 | - | 1,380.35 | - | - | - | 2,256.25 |
| 2051 | 41 | 46 | 1.42 | 6.58 | 2.52 | - | - | - | - | - | 466.33 |
| 2052 | 42 | 47 | 1.40 | 6.51 | 2.50 | - | - | - | - | - | 458.71 |
| 2053 | 43 | 48 | 1.39 | 6.45 | 2.47 | - | - | - | - | - | 451.22 |
| 2054 | 44 | 49 | 1.37 | 6.38 | 2.45 | - | - | - | - | - | 443.87 |
| 2055 | 45 | 50 | 1.36 | 6.32 | 2.42 | - | - | - | - | - | 436.63 |
| 2056 | 46 | 51 | 1.35 | 6.26 | 2.40 | - | - | - | - | - | 429.55 |
| 2057 | 47 | 52 | 1.33 | 6.20 | 2.37 | - | - | - | - | - | 422.58 |
| 2058 | 48 | 53 | 1.32 | 6.13 | 2.35 | - | - | - | - | 699.05 | 2,003.90 |
| 2059 | 49 | 54 | 1.31 | 6.07 | 2.33 | - | - | - | - | - | 409.01 |
| 2060 | 50 | 55 | 1.30 | 6.01 | 2.30 | - | - | - | - | - | 402.40 |
| 2061 | 51 | 56 | 1.28 | 5.95 | 2.28 | - | - | - | - | - | 395.89 |
| 2062 | 52 | 57 | 1.27 | 5.90 | 2.26 | - | - | - | - | - | 389.51 |
| 2063 | 53 | 58 | 1.26 | 5.84 | 2.24 | - | - | - | - | - | 383.25 |
| 2064 | 54 | 59 | 1.24 | 5.78 | 2.21 | - | - | - | - | - | 377.08 |
| 2065 | 55 | 60 | 1.23 | 5.72 | 2.19 | - | - | - | - | - | 371.01 |
| 2066 | 56 | 61 | 1.22 | 5.66 | 2.17 | - | - | - | - | - | 365.07 |
| 2067 | 57 | 62 | 1.21 | 5.61 | 2.15 | - | - | - | - | - | 359.24 |
| 2068 | 58 | 63 | 1.20 | 5.55 | 2.13 | - | - | - | - | - | 353.49 |
| 2069 | 59 | 64 | 1.18 | 5.50 | 2.11 | - | - | - | - | - | 347.84 |
| 2070 | 60 | 65 | 1.17 | 5.44 | 2.09 | - | - | - | - | - | 342.72 |
| 2071 | 61 | 66 | 1.16 | 5.39 | 2.07 | - | - | - | - | - | 341.02 |
| 2072 | 62 | 67 | 1.15 | 5.34 | 2.05 | - | - | - | - | - | 335.63 |
| 2073 | 63 | 68 | 1.14 | 5.28 | 2.02 | - | - | - | - | - | 330.30 |
| 2074 | 64 | 69 | 1.13 | 5.23 | 2.00 | - | - | - | - | - | 325.11 |
| 2075 | 65 | 70 | 1.12 | 5.18 | 1.98 | - | - | - | - | - | 319.99 |
| 2076 | 66 | 71 | 1.10 | 5.13 | 1.97 | - | - | - | - | - | 314.96 |
| 2077 | 67 | 72 | 1.09 | 5.08 | 1.95 | - | - | - | - | - | 310.02 |
| 2078 | 68 | 73 | 1.08 | 5.03 | 1.93 | - | - | - | - | - | 305.13 |
| 2079 | 69 | 74 | 1.07 | 4.98 | 1.91 | - | - | - | - | - | 300.35 |
| 2080 | 70 | 75 | 1.06 | 4.93 | 1.89 | - | - | - | - | - | 295.66 |
| 2081 | 71 | 76 | 1.05 | 4.88 | 1.87 | - | - | - | - | - | 291.06 |
| | | | 66.79 | 310.23 | 118.92 | 1,886.23 | 1,344.00 | 1,380.35 | 1,110.58 | 699.05 | 39,426.39 |

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2010, a copy of RESPONDENT'S PROFFER ON AWARD OF COMPENSATION was served, by first-class mail, postage pre-paid, upon:

Terry A. Friedman, Esq.
Attorney for Petitioner
518 Pyramid Way
Sparks, NV 89431
(775) 322-6500

Attorney for Petitioner

A handwritten signature in black ink, appearing to read "T. A. Friedman". The signature is written in a cursive, flowing style with a large loop at the beginning and a long tail at the end.