

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 12-096V

Filed: May 31, 2013

OLIVIA BUCHKO, by and through her)	
parents, TARA HENDERSON and JOHN)	NOT TO BE PUBLISHED
MATTHEW BUCHKO,)	
)	
Petitioners,)	
)	Stipulation; influenza (flu) vaccine;
v.)	diphtheria-tetanus-acellular pertussis
)	("DTaP"); measles-mumps-rubella
SECRETARY OF HEALTH)	("MMR"), varicella, hemophilus
AND HUMAN SERVICES,)	type b ("Hib"), and pneumococcal
)	conjugate ("PCV"); seizure disorder
Respondent.)	
)	

Lisa A. Roquemore, Law Offices of Lisa A. Roquemore, Irvine, CA, for Petitioner.

Claudia Gangi, United States Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

ZANE, Special Master.

On May 30, 2013, the parties in the above-captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of compensation in this case. Petitioners, Tara Henderson and John Matthew Buchko ("Petitioners"), on behalf of their daughter, Olivia Buchko ("Olivia") alleged that their daughter developed a seizure disorder that

¹ Because this decision contains a reasoned explanation for the Special Master's action in this case, the Special Master intends to post it on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 113 Stat. 2899, 2913 (Dec. 17, 2002). All decisions of the Special Master will be made available to the public unless they contain trade secret or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to redact such information before the document's disclosure. Absent a timely motion to redact, the decision will be made available to the public in its entirety. If the Special Master, upon review of a timely-filed motion, agrees that the identified material fits within the categories listed above, the Special Master shall redact such material from the decision made available to the public. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

was caused-in-fact by her receipt of multiple vaccinations² received on November 24, 2009 and December 14, 2010, vaccines that are contained in the Vaccine Injury Table, 42 C.F.R § 100.3(a). Petitioners also allege that their daughter experienced the residual effects of this injury for more than six months and that she has not otherwise received compensation for such injuries. Petitioners seek compensation related to their daughter's injuries pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10 to 34.

Respondent denies that the vaccines caused Olivia's seizure disorder or any other injury. Nonetheless, the parties have agreed informally to resolve this matter. Stipulation, Appendix A hereto.

The court hereby ADOPTS the parties' said Stipulation, attached hereto as Appendix A, and awards compensation in the amount and on the terms set forth therein. Specifically, Petitioner is awarded:

- 1) **a lump sum of \$100,000.00, in the form of a check payable to Petitioners as guardians of Olivia Buchko's estate.** This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.³

IT IS SO ORDERED.

s/Daria J. Zane
Daria J. Zane
Special Master

² Petitioners' daughter received an influenza ("flu") vaccine on November 24, 2009. She also received diphtheria-tetanus-acellular pertussis ("DTaP"), measles-mumps-rubella ("MMR"), varicella, hemophilus influenzae type b ("Hib"), and pneumococcal conjugate ("PCV") on December 14, 2010.

³ This document constitutes a final "decision" in this case pursuant to 42 U.S.C. § 300aa-12(d)(3)(A). Unless a motion for review of this decision is filed within 30 days, the Clerk of the Court shall enter judgment in accordance with this decision. Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge. Represented petitioners' motions for attorneys' fees and costs shall be filed within 180 days of judgment. Vaccine Rule 13.