

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

(Filed: January 10, 2006)

MARIA V. BESSEM,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 04-1208V
	)	DO NOT PUBLISH
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	

### DECISION DIRECTING ENTRY OF JUDGMENT<sup>1</sup>

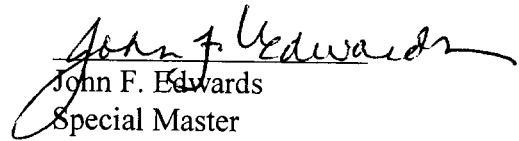
On January 5, 2006, the parties filed a stipulation. The special master has reviewed thoroughly the stipulation. He adopts completely the stipulation. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment based upon the stipulation in petitioner's favor.<sup>2</sup>

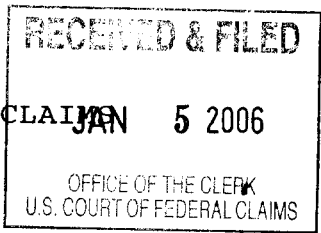
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<sup>1</sup> As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire decision" will be available to the public. *Id.*

<sup>2</sup> Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review. Then, under Vaccine Rule 12(a), petitioner may expedite payment by filing an election to accept the judgment.

The clerk of court shall send petitioner's copy of this decision to petitioner by overnight express delivery.

  
John F. Edwards  
Special Master



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

_____	)	
MARIA V. BESSEM,	)	
	)	
Petitioner,	)	
	)	No. 04-1208V
v.	)	Special Master Edwards
	)	
SECRETARY OF HEALTH AND HUMAN	)	
SERVICES,	)	
	)	
Respondent.	)	
_____	)	

STIPULATION

It is hereby stipulated by and between the parties, the following matters:

1. Petitioner, Maria Bessem, filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 et seq. (the "Vaccine Program"). The petition seeks compensation for injuries allegedly related to the receipt of a Tetanus-Diphtheria vaccination ("Td"), which vaccine is contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. § 100.3(a)(I).
2. Petitioner received a vaccination on September 23, 2002.
3. The vaccine was administered within the United States.
4. Petitioner alleges that as a result of her vaccination she suffered the onset of brachial neuritis or a complex regional pain syndrome.

5. Petitioner represents that there has been no prior award or settlement of a civil action for damages by her or on her behalf.

6. Respondent's Rule 4 Report denies that petitioner suffered either a brachial neuritis or complex regional pain syndrome as a result of her September 23, 2002, Td vaccination, and denies that her current medical condition is related to the administration of a Td vaccination.

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 petitioner has 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 payment:

A lump sum of \$31,011.81 in the form of a check payable to petitioner, which represents compensation for all elements of damages 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 petitioner has filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the special master

shall preside over further proceedings to award reasonable attorneys' fees and costs incurred in proceeding upon this petition.

10. The payment made pursuant to paragraph 8, and any amounts awarded pursuant to paragraph 9, of this Stipulation will be made in accordance with 42 U.S.C. § 300aa-15(i), subject to the availability of sufficient statutory funds.

11. In return for the payments described in paragraphs 8 and 9, petitioner, her heirs, executors, administrators, successors or assigns, does forever and fully expressly release, acquit and discharge the Secretary of Health and Human Services and the United States of America from any and all actions, causes of action, agreements, judgments, claims, damages, loss of services, expenses and all demands of whatever kind or nature on account of, or in any way growing out of, any and all known or unknown personal injuries to or death of Maria Bessem resulting from, or alleged to have resulted from a Td vaccination administered on September 23, 2002, as alleged by petitioner in a petition for vaccine compensation filed on or about July 26, 2004, in the United States Court of Federal Claims as petition No. 04-1208V.

12. In the event petitioner should die prior to the Secretary making the payment described in paragraph 8, this

agreement shall be considered voidable upon proper notice to the Court on behalf of either or both the parties.

13. In the event the special master fails to issue a decision in complete conformity with the terms of this Stipulation or in the event the 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 null and void at the sole discretion of either party.

14. This Stipulation expresses a full and complete settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended. There is absolutely no agreement on the part of the parties hereto to make any payment or to do any act or thing other than is herein expressly stated and clearly agreed to.

15. All rights and obligations of petitioner hereunder shall apply equally to her successors and assigns.

END OF STIPULATION

Respectfully submitted,

**PETITIONER:**

Maria V. Bessem 12/6/05  
MARIA BESSEM

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PETITIONER:**

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Dated: 12/5-06  
103-20000