

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

(Filed: September 20, 2007)

DO NOT PUBLISH

CHRISTOPHER FIELDS and)
JODI PINTO-FIELDS, as legal representatives of)
the estate of their deceased daughter,)
ELLA R. FIELDS,)
)
Petitioners,)
)
v.)
)
SECRETARY OF)
HEALTH AND HUMAN SERVICES,)
)
Respondent.)
)

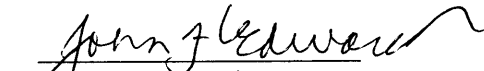
No. 06-0461V
Stipulation

DECISION DIRECTING ENTRY OF JUDGMENT¹

On September 18, 2007, 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 petitioners' favor. 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), petitioners may expedite payment by filing an election to accept the judgment.

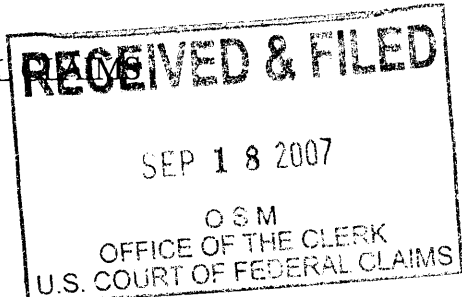
¹ As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of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

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


John F. Edwards
Special Master

IN THE UNITED STATES COURT OF FEDERAL

OFFICE OF SPECIAL MASTERS



CHRISTOPHER FIELDS and JODI)
PINTO-FIELDS, as the legal)
representatives of the estate of their)
deceased daughter, ELLA R. FIELDS,)
))
Petitioners,)
))
v.)
))
SECRETARY OF HEALTH AND)
HUMAN SERVICES,)
))
Respondent.)

Case No. 06-461V

Special Master Edwards

STIPULATION

The parties hereby stipulate to the following matters:

1. On June 12, 2006, petitioners filed a petition for vaccine compensation on behalf of the estate of their deceased daughter, Ella R. Fields (“Ella”), under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 to -34, as amended (the “Vaccine Program”). The petition seeks compensation for injuries and resulting death allegedly related to Ella’s receipt of the inactivated polio vaccine (“IPV”), which is contained in the Vaccine Injury Table (the “Table”). 42 U.S.C. § 300aa-14(a)(VII); 42 C.F.R § 100.3(a)(VII).
2. Ella received the IPV vaccine on September 25, 2003.
3. The vaccine was administered within the United States.
4. Petitioners allege that the IPV vaccine triggered an immune response in Ella, which led to her development of hemophagocytic lymphohistiocytosis (“HLH”), complications of which resulted in Ella’s death on August 2, 2004.

5. Petitioners represent that there has been no prior award or settlement of a civil action for damages on behalf of Ella or her estate as a result of the alleged injury or death.

6. Respondent denies that Ella's HLH was caused by the IPV vaccine, and additionally denies that a vaccine-injury was a direct or proximate cause of Ella's death.

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 file 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 \$155,500.00, in the form of a check payable to petitioners as the legal representatives of Ella's estate. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a); and

b. A lump sum of \$19,500.00, in the form of a check payable to petitioners and petitioners' attorney, Curtis R. Webb, for attorney's fees and costs, and, in compliance with General Order #9, no out-of-pocket expenses were incurred by petitioners in proceeding on the petition.

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

10. Petitioners represent that they are, or within 90 days of the date of judgment will become, duly authorized to serve as the legal representatives of Ella's estate under the laws of the State of Pennsylvania. If petitioners are not authorized by a court of competent jurisdiction to serve as legal representatives of Ella's estate at the time payment pursuant to paragraph 8(a) of

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 legal representatives of the estate of Ella R. Fields upon submission of written documentation of such appointment to the Secretary.

11. In return for the payments described in paragraph 8, petitioners, in their individual capacities and as legal representatives of the estate of Ella R. Fields, on behalf of themselves and Ella's estate, do 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 Ella resulting from, or alleged to have resulted from the IPV vaccine administered to Ella on September 25, 2003, as alleged by petitioners in a petition for vaccine compensation filed in the United States Court of Federal Claims on June 12, 2006, as Case No. 06-461V.

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

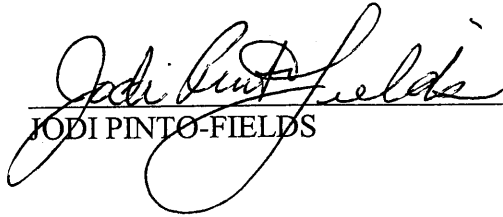
13. This Stipulation expresses a full and complete settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended. There is absolutely no agreement on the part of the parties hereto to make any payment or to do any act or thing other than is herein expressly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

14. All rights and obligations of petitioners hereunder shall apply equally to their successors and assigns as legal representatives of the estate of Ella R. Fields.


Respectfully submitted,

PETITIONERS:



CHRISTOPHER FIELDS


JODI PINTO-FIELDS

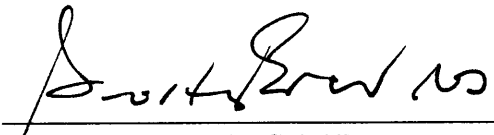
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Dated: 9-18-2007