

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 05-378V

Filed: January 2, 2008

Not to be published.¹

BETH M GORDON,

Petitioner,

v.

Vaccine Act; Proffer; Damages

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

DECISION

This is an action seeking an award under the National Childhood Vaccine Injury Compensation Program (see 42 U.S.C. § 300aa-10 *et seq.*), on account of an injury to the petitioner. On June 13, 2005, the respondent filed a “Rule 4(c) Report” agreeing that the petitioner was entitled to an award of compensation in this case.

After discussions between the parties, on December 21, 2007, respondent filed “Respondent’s Proffer on Award of Compensation.” On December 27, 2007, petitioner’s counsel, Donald Geoffrey Korman, represented telephonically to my staff that petitioner accepts that Proffer as a reasonable measure of the amount of the award in this case.

¹This document will not be sent to electronic publishers as a formally “published” opinion. However, because this document contains a reasoned explanation for my action in this case, I intend to post this document 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). Therefore, 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, this entire document will be available to the public. *Id.* See also 42 U.S.C. § 300aa-12(d)(4)(B).

I have reviewed respondent's Proffer, and find that it describes appropriate compensation in this case pursuant to 42 U.S.C. § 300aa-15(a). I hereby order that compensation be awarded based on the Proffer. I order that respondent make a lump sum payment as follows:

A lump sum payment in the amount of \$ **650,000.00** shall be payable to the Petitioner, **BETH M. GORDON.**²

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

George L. Hastings, Jr.
Special Master

²I will entertain a request for attorney's fees at a later date.