

The court hereby **ADOPTS** the parties' said Stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein, including an award for attorney fees and costs. **Specifically, petitioners are awarded a lump sum of \$10,000.00 in the form of a check payable to petitioners; petitioners are also awarded a lump sum of \$14,196.84 in the form of a check payable to the State of Florida Medicaid; finally, petitioners are awarded a lump sum of \$16,744.31² in the form of a check payable jointly to petitioners and petitioners' attorney of record. See Stipulation, ¶ 8, filed April 15, 2011.**³

The Clerk of the Court is directed to enter judgment accordingly.

IT IS SO ORDERED.⁴

s/ Gary J. Golkiewicz
Gary J. Golkiewicz
Special Master

² This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C.A. §300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) which would be in addition to the amount awarded herein. See generally, Beck v. Secretary of the Dept. of Health & Human Servs., 924 F.2d 1029 (Fed. Cir. 1991).

³ In compliance with General Order #9, petitioners state they have incurred no out-of-pocket expenses in proceeding on the petition. Stipulation, ¶ 8.c.

⁴ 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 accord 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.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

LUCIEN and NADEGE CIVIL,
as parents and guardians of
██████████,
Petitioners,
v.
SECRETARY OF HEALTH AND
HUMAN SERVICES,
Respondent.

No. 09-870V
Special Master Golkiewicz
ECF

STIPULATION

The parties hereby stipulate to the following matters:

1. Lucien and Nadege Civil, as parents and guardians of ██████████
██████████), filed a petition for vaccine compensation under the National Vaccine Injury
Compensation Program, 42 U.S.C. §300aa-10 to 34 (the "Vaccine Program"). The petition seeks
compensation for injuries allegedly related to ██████████'s receipt of the inactivated poliovirus
("IPV"), varicella, diphtheria-tetanus-acellular pertussis ("DTaP") and measles-mumps-rubella
("MMR") vaccines, which are contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. §
100.3 (a).
2. ██████████ received the above-stated immunizations on December 2, 2008.
3. The vaccines were administered within the United States.
4. Petitioners allege that ██████████ suffered Guillain-Barre syndrome ("GBS"), which
was caused or triggered by her vaccinations. Petitioners further allege that ██████████
experienced residual effects of this injury for more than six months from the date of vaccination.

5. Petitioners represent that there has been no prior award or settlement of a civil action for damages on behalf of [REDACTED] as a result of her condition.

6. Respondent denies that the IPV, varicella, DTaP and/or MMR vaccines caused or triggered [REDACTED]'s alleged injuries, and denies that [REDACTED]'s alleged injuries persisted more than six months from the date of 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 petitioners have 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 payments:

- a. A lump sum of \$10,000.00 in the form of a check payable to petitioners; and
- b. A lump sum of \$14,196.84 in the form of a check payable to the State of Florida Medicaid.

The amounts in subparagraphs (a) and (b) above, represent compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a); and

- c. A lump sum of \$16,744.31 in the form of a check payable to petitioners and petitioners' attorney, Diana L. Stadelnikas, Esq., for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e). In compliance with General Order #9, petitioners have incurred no out-of-pocket expenses in proceeding on the petition.

9. Petitioners and their attorney represent that they have identified to respondent all known sources of payment for items or services for which the Program is not primarily liable under 42 U.S.C. § 300aa-15(g), including State compensation programs, insurance policies, Federal or State health benefits programs (other than Title XIX of the Social Security Act (42

U.S.C. § 1396 et seq.)), or entities that provide health services on a pre-paid basis.

10. 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.

11. The parties and their attorneys further agree and stipulate that, except for any award for attorneys' fees, litigation costs, and past unreimbursable expenses, the money provided pursuant to this Stipulation will be used solely for the benefit of [REDACTED] as contemplated by a strict construction of 42 U.S.C. § 300aa-15(a) and (d), and subject to the conditions of 42 U.S.C. § 300aa-15(g) and (h).

12. Petitioners represent that they presently are, or within 90 days of the date of judgment will become, duly authorized to serve as guardians/conservators of [REDACTED]'s estate under the laws of the State of Florida.

13. In return for the payments described in paragraph 8, petitioners, in their individual capacity and on behalf of [REDACTED] and her heirs, executors, administrators, successors or assigns, do forever irrevocably and unconditionally release, acquit and discharge the United States and the Secretary of Health and Human Services from any and all actions or causes of action (including agreements, judgments, claims, damages, loss of services, expenses and all demands of whatever kind or nature) that have been brought, could have been brought, or could be timely brought in the Court of Federal Claims, under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 et seq., on account of, or in any way growing out of, any and all known or unknown, suspected or unsuspected personal injuries to or death of [REDACTED] resulting from, or alleged to have resulted from, the IPV, varicella, DTaP and/or MMR vaccinations administered on December 2, 2008, as alleged by petitioners in a petition for vaccine compensation filed on or about December 16, 2009, in the United States Court of

Federal Claims as petition No. 09-870V.

14. If [REDACTED] should die prior to entry of judgment, this agreement shall be voidable upon proper notice to the Court on behalf of either or both of the parties.

15. 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 voidable at the sole discretion of either party.

16. This Stipulation expresses a full and complete negotiated 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. The parties further agree and understand that the award described in this Stipulation may reflect a compromise of the parties' respective positions as to liability and/or amount of damages, and further, that a change in the nature of the injury or condition or in the items of compensation sought, is not grounds to modify or revise this agreement.

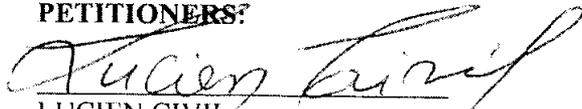
17. This Stipulation shall not be construed as an admission by the United States or the Secretary of Health and Human Services that the IPV, varicella, DTaP and/or MMR vaccines caused [REDACTED]'s alleged injuries, or that [REDACTED]'s alleged injuries persisted more than six months from the date of vaccination.

18. All rights and obligations of petitioners hereunder shall apply equally to petitioners' heirs, executors, administrators, successors, and/or assigns as legal representatives of [REDACTED]
[REDACTED]

END OF STIPULATION

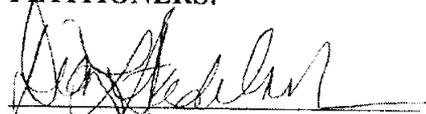
Respectfully submitted,

PETITIONERS:

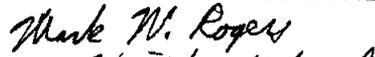
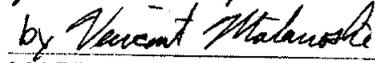

LUCIEN CIVIL


NADEGE CIVIL

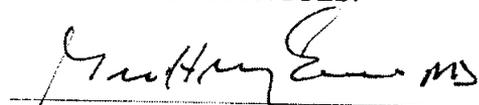
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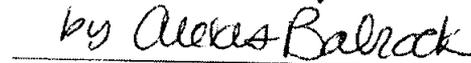
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Dated: 4/15/11