



Vaccine Injury Table (the "Table"), 42 C.F.R. §100.3(a), and which Emily received her first doses on July 19, 2010, caused Emily to develop Stevens-Johnson Syndrome, the effects of which lasted for more than six months.

Respondent denies that the vaccines were the cause of Emily's Stevens-Johnson Syndrome and denies that Emily experienced the residual effects of this injury for more than six months.

Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- A. A lump sum payment of \$20,000.00 in the form of a check payable jointly to petitioners and the Tarrant County Clerk's Office, for the benefit of Emily Nickell. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a). Petitioners agree to endorse this payment to the Tarrant County Clerk's Office.**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 11-88V according to this decision and the attached stipulation.

Any questions may be directed to my law clerk, Jennifer C. Chapman, at (202) 357-6358.  
IT IS SO ORDERED.

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Christian J. Moran  
Special Master



6. Respondent denies that the vaccines were the cause of Emily's Stevens-Johnson Syndrome and denies that Emily experienced the residual effects of this injury for more than six months.

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 payment:

A lump sum of \$20,000.00 in the form of a check payable jointly to petitioners and the Tarrant County Clerk's Office, for the benefit of Emily Nickell. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a). Petitioners agree to endorse this payment to the Tarrant County Clerk's Office.

9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioners have filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the parties will submit to further proceedings before the special master to award reasonable attorneys' fees and costs incurred in proceeding upon this petition.

10. Petitioners and their attorney represent that compensation to be provided pursuant to this Stipulation is not for any items or services for which the Program is not primarily liable under 42 U.S.C. § 300aa-15(g), to the extent that payment has been made or can reasonably be expected to be made under any 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 by entities that provide health services on a pre-paid basis.

11. 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.

12. 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 Emily 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).

13. Petitioners represent that the payment described in paragraph 8 shall be deposited in the registry account of the Tarrant County Clerk's Office and invested until such time as Emily Nickell, a Minor, reaches the age of majority on July 19, 2027.

14. In return for the payments described in paragraphs 8 and 9, petitioners, in their individual capacities and as legal representatives of Emily, on behalf of themselves, Emily, 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 Emily resulting from, or alleged to have resulted from, the vaccinations administered on July 19, 2010, as alleged by petitioners in a petition for vaccine compensation filed on or about February 10, 2011, in the United States Court of Federal Claims as petition No. 11-88V.

15. If Emily 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.

16. 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.

17. 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, except as otherwise noted in paragraph 9 above. 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.

18. This Stipulation shall not be construed as an admission by the United States or the Secretary of Health and Human Services that the vaccines caused Emily's Stevens-Johnson Syndrome or that Emily experienced the residual effects of this injury for more than six months.

19. All rights and obligations of petitioners hereunder shall apply equally to petitioners' heirs, executors, administrators, successors, and/or assigns as legal representatives of Emily Nickell.

END OF STIPULATION

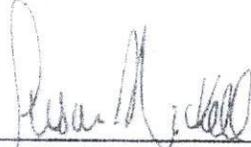
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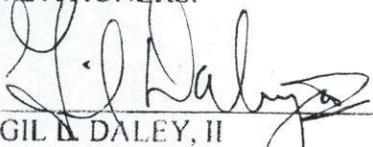
Respectfully submitted.

PETITIONERS:

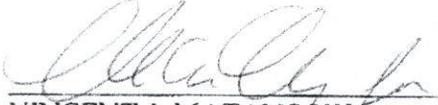
  
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SUSAN NICKELL

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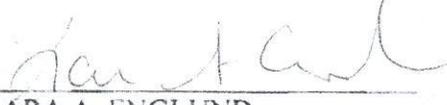
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Dated: 9/13/11