

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-102V

Filed: September 30, 2009

Not to be Published

CHRISTINA BLACKFOX, *
as Mother and Next of Kin to *
VICTORIA NICOLE BLACKFOX, *
Deceased *

Petitioner, *

Damages, Diphtheria-tetanus-acellular
pertussis (“DTaP”), Polio (“IPV”) and
Hepatitis B (“Hep B”)

v. *

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

Andrew D. Downing, Tulsa, OK, for petitioner.
Darryl R. Wishard, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On September 29, 2009, the parties filed the attached stipulation, in which they agreed to settle this case and described the settlement terms. Petitioner alleged that Victoria Nicole Blackfox (“Cole”) died related to the receipt of the diphtheria-tetanus-acellular pertussis

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to delete such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

("DTaP"), polio ("IPV"), and hepatitis B ("Hep B") vaccines. Respondent denies that Cole's death was caused in fact by her vaccinations. Nonetheless, the parties agreed to resolve this matter informally.

The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards:

- a. a lump sum of **\$100,000.00** in the form of a check made payable to petitioner, as legal representative of the estate of Cole.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

Dated: September 30, 2009

/s/ Laura D. Millman
Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.