

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

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ERIC EDWARDS, as Personal, \*
Representative of the Estate of \*
JESSALYN EDWARDS, deceased, \*

Petitioner, \*

No. 09-845V
Special Master Christian J. Moran

v. \*

SECRETARY OF HEALTH \*
AND HUMAN SERVICES, \*

Filed: May 7, 2010

Respondent. \*

Stipulation; tetanus vaccine; acute
disseminated encephalomyelitis
(ADEM), death.

\*\*\*\*\*

UNPUBLISHED DECISION<sup>1</sup>

James M. Griffin, Esq., Griffin Law, Columbia, South Carolina, for Petitioner;
Althea Walker Davis, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

On May 6, 2010, the parties filed a joint stipulation concerning the petition for
compensation filed by Eric Edwards, on behalf of the estate of Jessalyn Edwards, which was
filed on December 8, 2009. In his petition, Mr. Edwards alleged that Jessalyn’s injury and death
was caused by her receipt of the tetanus vaccine, which is contained in the Vaccine Injury Table,
42 C.F.R. §100.3(a), and which she received on November 5, 2007. Mr. Edwards alleged that
Jessalyn sustained the first symptom of acute disseminated encephalomyelitis (ADEM) following
receipt of the tetanus vaccination and that her ADEM was caused by the vaccine. Mr. Edwards

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special
master's action in this case, the special master intends to post it 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).

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 clearly be an unwarranted invasion of
privacy. When such a decision or designated substantive order is filed, the person submitting the
information has 14 days to identify and to move to delete such information before the
document’s disclosure. If the special master agrees that the identified material fits within the
categories listed above, the special master shall redact such material from public access.
42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

further alleged that Jessalyn died on December 11, 2007, as a result of her ADEM.

Respondent denies that Jessalyn suffered an adverse reaction to her tetanus vaccination and denies that Jessalyn's death was a sequela of her ADEM. 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 \$225,000.00, in the form of a check payable to petitioner, as Personal Representative of the Estate of Jessalyn Edwards.** This amount represents compensation for all damages available under 42 U.S.C. § 300aa-15(a).
- B) A lump sum of \$13,168.69, in the form of a check payable to petitioner and petitioner's attorney, James M. Griffin, for attorney's fees and costs, and, in compliance with General Order #9, petitioner incurred no out-of-pocket expenses in proceedings on this petition.

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 09-845V according to this decision and the attached stipulation.

Any questions may be directed to Francina Segbefia at (202) 357-6358.

IT IS SO ORDERED.

S/ Christian J. Moran

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Christian J. Moran  
Special Master

IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS

ERIC EDWARDS, as personal	)	
representative of the Estate of	)	
JESSALYN EDWARDS, deceased,	)	
	)	
Petitioner,	)	No. 09-845V
v.	)	Special Master Moran
	)	
SECRETARY OF HEALTH	)	
AND HUMAN SERVICES,	)	
	)	
Respondent.	)	

STIPULATION

The parties hereby stipulate to the following matters:

1. Eric Edwards, petitioner, on behalf of the Estate of Jessalyn Edwards, 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 Jessalyn Edward's injury and death, which petitioner alleges were caused by her receipt of the tetanus vaccine, which vaccine is contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. § 100.3 (a).
2. Jessalyn Edwards received her tetanus vaccination on November 5, 2007.
3. The vaccine was administered within the United States.
4. Petitioner alleges that Jessalyn Edwards sustained the first symptom of acute disseminated encephalomyelitis ("ADEM") following receipt of the tetanus vaccination, and that her ADEM was caused by her tetanus vaccination. Petitioner further alleges that Jessalyn Edwards died on December 11, 2007, as a result of her ADEM.
5. Petitioner represents that there has been no prior award or settlement of a civil action

for damages on behalf of Jessalyn Edwards as a result of her alleged injury or her death.

6. Respondent denies that Jessalyn Edwards suffered an adverse reaction to her tetanus vaccination administered on November 5, 2007, and denies that Jessalyn Edwards's death was a sequela of her ADEM.

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 petitioner has 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) A lump sum of \$225,000.00 in the form of a check payable to petitioner, as Personal Representative of the Estate of Jessalyn Edwards. 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 \$13,168.69 in the form of a check payable to petitioner and petitioner's attorney, James M. Griffin, for attorney's fees and costs, and, in compliance with General Order #9, petitioner incurred no out-of-pocket expenses in proceedings on this 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. Petitioner represents that he presently is duly authorized to serve as Personal Representative of the Estate of Jessalyn Edwards under the laws of the State of South Carolina. No payments pursuant to this Stipulation shall be made until petitioner provides the Secretary with documentation establishing his appointment as personal representative of the Estate of

Jessalyn Edwards.

11. In return for the payments described in paragraph 8, petitioner, in his individual capacity and as legal representative of the Estate of Jessalyn Edwards, and on behalf of her heirs, executors, administrators, successors or assigns, does 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, and death of Jessalyn Edwards resulting from, or alleged to have resulted from, the tetanus vaccination administered on November 5, 2007, as alleged by petitioner in a petition for vaccine compensation filed on or about December 8, 2009, in the United States Court of Federal Claims as petition No. 09-845V.

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.

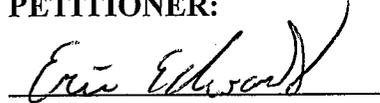
14. All rights and obligations of petitioner hereunder shall apply equally to his successors and assigns.

END OF STIPULATION

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Respectfully submitted,

**PETITIONER:**



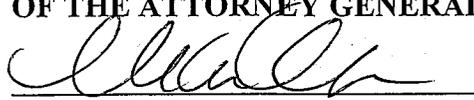
ERIC EDWARDS

**ATTORNEY OF RECORD FOR  
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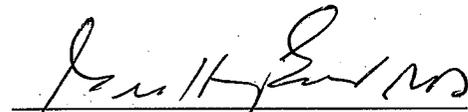
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Dated: 6 May 2010