

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-115V

Filed: March 16, 2010

Not for Publication

RADHAKRISHNA KUKKILLAYA, *
as Guardian and Conservator for *
MANORAMA A. KUKKILLAYA, *
Protected Person, *

Petitioner, *

v. *

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

Respondent. *

James N. Barth, Charleston, WV, for petitioner.
Glenn A. MacLeod, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On March 4, 2010, respondent filed a Proffer on Award of Compensation. On March 12, 2010, petitioner's counsel orally informed the undersigned's law clerk that respondent's Proffer was accepted. Based on the record as a whole, the special master finds that petitioner is entitled to the

¹ Because this decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this 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.

award as stated in the Proffer. Pursuant to the terms stated in the attached Proffer, the court awards petitioner:

1. A lump sum payment of \$298,468.25, representing compensation for life care expenses expected to be incurred during the first year after judgment (\$62,342.13) and pain and suffering (\$236,126.12), in the form of a check payable to petitioner, as the court-appointed guardian and conservator for Manorama A. Kukkillaya, for the benefit of Manorama A. Kukkillaya.
2. A lump sum payment of \$448,602.58, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and Logan Regional Medical Center, 20 Hospital Drive, Logan, WV 25601;
3. A lump sum payment of \$2,281.30, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and LRMC Physicians, PO Box 656, Logan, WV 25601;
4. A lump sum payment of \$6,593.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and Radiology, Inc., PO Box 910, Huntington, WV 25712;
5. A lump sum payment of \$2,300.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and Sheridan Health Care of WV, PO Box 452045, Sunrise, FL 33345-2045;
6. A lump sum payment of \$2,475.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and Southeastern Emerg. Phys., Inc., PO Box 740023, Cincinnati, OH 45274;
7. A lump sum payment of \$225.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and University Surgical Associates, PO Box 182043, Columbus, OH 43218-2043;
8. A lump sum payment of \$2,475.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and Emergency Physicians (Northeast Credit), 245 Main Street, Dickson City, PA 18519;

9. A lump sum payment of \$145.00, representing compensation for past un-reimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and Pathology Laboratory Medical Con., Inc., PO Box 1269, Chapmanville, WV 25508;
10. A lump sum payment of \$8,677.00, representing compensation for past un-reimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and Southern Medical, 301 George Kostas Drive, Logan, WV 25601;
11. A lump sum payment of \$2,070.61, representing compensation for past un-reimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and Joby Joseph, M.D., PO Box 278, Logan, WV 25601
12. A lump sum payment of \$8,375.00, representing compensation for past un-reimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and B.P. Rao, M.D., PO Box P, Whitman, WV 25652;
13. A lump sum payment of \$1,680.00, representing compensation for past un-reimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and Nursing Care Home Health, PO Box 4503, Chapmanville, WV 25508.
14. An amount sufficient to purchase the annuity contract described in paragraph II. N. of the attached Proffer, paid to the life insurance company from which the annuity will be purchased.

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: _____

 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.

B. Lost Future Earnings

The parties agree that based upon the evidence of record, Manorama A. Kukkillaya is not entitled to compensation for lost earnings. Therefore, respondent proffers that Manorama A. Kukkillaya should be awarded no lost earnings as provided under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(3)(A). Petitioner agrees.

C. Pain and Suffering

Respondent proffers that Manorama A. Kukkillaya should be awarded \$236,126.12 in actual and projected pain and suffering. This amount reflects that the award for projected pain and suffering has been reduced to net present value. See 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

D. Past Unreimbursable Expenses

Evidence supplied by petitioner documents past unreimbursable expenses in the form of outstanding balances due to providers of services related to Manorama A. Kukkillaya's vaccine-related injury. Respondent proffers that Manorama A. Kukkillaya is entitled to total past unreimbursable expenses in the amount of \$485,899.49. The allocation of this amount is as follows:

1. Respondent proffers that a check for \$448,602.58 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and Logan Regional Medical Center.
2. Respondent proffers that a check for \$2,281.30 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and LRMC Physicians.

3. Respondent proffers that a check for \$6,593.00 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and Radiology, Inc.
4. Respondent proffers that a check for \$2,300.00 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and Sheridan Health Care of WV.
5. Respondent proffers that a check for \$2,475.00 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and Southeastern Emerg. Phys., Inc.
6. Respondent proffers that a check for \$225.00 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and University Surgical Associates.
7. Respondent proffers that a check for \$2,475.00 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and Emergency Physicians (Northeast Credit).
8. Respondent proffers that a check for \$145.00 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and Pathology Laboratory Medical Con., Inc.
9. Respondent proffers that a check for \$8,677.00 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and Southern Medical.
10. Respondent proffers that a check for \$2,070.61 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and Joby Joseph, M.D.
11. Respondent proffers that a check for \$8,375.00 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, protected person, and B. P. Rao, M.D.
12. Respondent proffers that a check for \$1,680.00 should be made payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator

for Manorama A. Kukkillaya, protected person, and Nursing Care Home Health.

Petitioner agrees.

E. Medicaid Lien

Petitioner represents that there are no Medicaid liens outstanding against Manorama A. Kukkillaya.

II. Form of the Award

The parties recommend that the compensation provided to Manorama A. Kukkillaya should be made through a combination of lump sum payments and future annuity payments as described below, and request that the special master's decision and the Court's judgment award the following:

A. A lump sum payment of \$298,468.25, representing compensation for life care expenses expected to be incurred during the first year after judgment (\$62,342.13) and pain and suffering (\$236,126.12), in the form of a check payable to petitioner, as the court-appointed guardian and conservator for Manorama A. Kukkillaya, for the benefit of Manorama A. Kukkillaya.

B. A lump sum payment of \$448,602.58, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

Logan Regional Medical Center
20 Hospital Drive
Logan, WV 25601
T: 304-831-1537
Attn: Tim Matney

C. A lump sum payment of \$2,281.30, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

LRMC Physicians
PO Box 656
Logan, WV 25601
T: 304-831-1966
Attn: Debra

D. A lump sum payment of \$6,593.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

Radiology, Inc.
PO Box 910
Huntington, WV 25712
T: 304-522-1550, Ext. 210
Attn: Laura

E. A lump sum payment of \$2,300.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

Sheridan Health Care of WV
PO Box 452045
Sunrise, FL 33345-2045
T: 800-296-2611
Attn: Michelle

F. A lump sum payment of \$2,475.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

Southeastern Emerg. Phys., Inc.
PO Box 740023
Cincinnati, OH 45274
T: 888-952-6772

G. A lump sum payment of \$225.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

University Surgical Associates
PO Box 182043
Columbus, OH 43218-2043
T:304-691-1296
Attn: Kelly Maxwell

H. A lump sum payment of \$2,475.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

Emergency Physicians (Northeast Credit)
245 Main Street
Dickson City, PA 18519
T: 800-848-2170, Ext. 281
Attn: Richard Anderson

I. A lump sum payment of \$145.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

Pathology Laboratory Medical Con., Inc.
PO Box 1269
Chapmanville, WV 25508
T: 800-846-7978
Attn: Rachel

J. A lump sum payment of \$8,677.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

Southern Medical
301 George Kostas Drive
Logan, WV 25601
T: 304-752-1450
Attn: Donna

K. A lump sum payment of \$2,070.61, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

Joby Joseph, M.D.
PO Box 278
Logan, WV 25601
T: 304-792-1260
Attn: Tammy

L. A lump sum payment of \$8,375.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

B.P. Rao, M.D.
PO Box P
Whitman, WV 25652
T: 304-239-2356
Attn: Dr. Rao

M. A lump sum payment of \$1,680.00, representing compensation for past unreimbursable expenses, payable jointly to petitioner, Radhakrishna Kukkillaya, as guardian and conservator for Manorama A. Kukkillaya, and

Nursing Care Home Health
PO Box 4503
Chapmanville, WV 25508
T: 304-855-4918
Attn: Carol Walsh

N. An amount sufficient to purchase an annuity contract, subject to the conditions described below, that will provide payments for the life care items contained in the life care plan, as illustrated by the chart at Tab A attached hereto, paid to the life insurance company² from which the annuity will be purchased. Compensation for Year Two (beginning on the first anniversary of the date of judgment) and all subsequent years shall be provided through respondent's purchase of an annuity, which annuity shall make payments to petitioner only so long as Manorama A. Kukkillaya is alive at the time a particular payment is due. At the Secretary's sole discretion, the periodic payments may be provided to petitioner in monthly, quarterly, annual or other installments. The "annual amounts" set forth in the chart at Tab A describe only the total yearly sum to be paid to petitioner and do not require that the payment be made in one annual installment.

² The Life Insurance Company must have a minimum of \$250,000,000 capital and surplus, exclusive of any mandatory security valuation reserve. The Life Insurance Company must have one of the following ratings from two of the following rating organizations:

- a. A.M. Best Company: A++, A+, A+g, A+p, A+r, or A+s;
- b. Moody's Investor Service Claims Paying Rating: Aa3, Aa2, Aa1, or Aaa;
- c. Standard and Poor's Corporation Insurer Claims-Paying Ability Rating: AA-, AA, AA+, or AAA;
- d. Fitch Credit Rating Company, Insurance Company Claims Paying Ability Rating: AA-, AA, AA+, or AAA.

1. Growth Rate

Respondent proffers that a four percent (4%) growth rate should be applied to all non-medical life care items, and a five percent (5%) growth rate should be applied to all medical life care items. Thus, the benefits illustrated in the chart at Tab A that are to be paid through annuity payments should grow as follows: four percent (4%) compounded annually from the date of judgment for non-medical items, and five percent (5%) compounded annually from the date of judgment for medical items. Petitioner agrees.

2. Life-contingent annuity

Petitioner will continue to receive the annuity payments from the Life Insurance Company only so long as Manorama A. Kukkillaya is alive at the time that a particular payment is due. Petitioner shall provide written notice to the Secretary of Health and Human Services and the Life Insurance Company within twenty (20) days of Manorama A. Kukkillaya's death.

3. Guardianship

No payments shall be made until petitioner provides the Secretary with documentation establishing his appointment as guardian/conservator of Manorama A. Kukkillaya's estate. If petitioner is not authorized by a court of competent jurisdiction to serve as guardian/conservator of the estate of Manorama A. Kukkillaya at the time a payment is to be made, any such payment shall be paid to the party or parties appointed by a court of competent jurisdiction to serve as guardian(s)/conservator(s) of the estate of Manorama A. Kukkillaya upon submission of written documentation of such appointment to the Secretary.

III. Summary of Recommended Payments Following Judgment

A. Lump sum paid to petitioner, as court-appointed guardian and

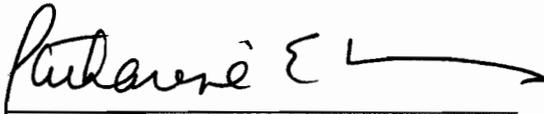
	conservator for Manorama A. Kukkillaya, for Year One life care expenses and pain and suffering:	\$ 298,468.25
B.	Lump sum paid jointly to petitioner and Logan Regional Medical Center, as compensation for past unreimbursable expenses:	\$ 448,602.58
C.	Lump sum paid jointly to petitioner and LRMC Physicians, as compensation for past unreimbursable expenses:	\$ 2,281.30
D.	Lump sum paid jointly to petitioner and Radiology, Inc., as compensation for past unreimbursable expenses:	\$ 6,593.00
E.	Lump sum paid jointly to petitioner and Sheridan Health Care of WV, as compensation for past unreimbursable expenses:	\$ 2,300.00
F.	Lump sum paid jointly to petitioner and Southeastern Emerg. Phys., Inc., as compensation for past unreimbursable expenses:	\$ 2,475.00
G.	Lump sum paid jointly to petitioner and University Surgical Associates, as compensation for past unreimbursable expenses:	\$ 225.00
H.	Lump sum paid jointly to petitioner and Emergency Physicians (Northeast Credit), as compensation for past unreimbursable expenses:	\$ 2,475.00
I.	Lump sum paid jointly to petitioner and Pathology Laboratory Medical Con, Inc., as compensation for past unreimbursable expenses:	\$ 145.00
J.	Lump sum paid jointly to petitioner and Southern Medical, as compensation for past unreimbursable expenses:	\$ 8,677.00
K.	Lump sum paid jointly to petitioner and Joby Joseph, M.D., as compensation for past unreimbursable expenses:	\$ 2,070.61
L.	Lump sum paid jointly to petitioner and B.P. Rao, M.D., as compensation for past unreimbursable expenses:	\$ 8,375.00
M.	Lump sum paid jointly to petitioner and Nursing Care Home Health, as compensation for past unreimbursable expenses:	\$ 1,680.00
N.	An amount sufficient to purchase the annuity contract described above in section II. N.	

Respectfully submitted,

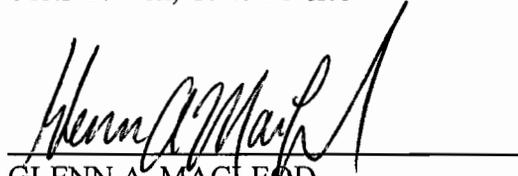
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Dated: 3/3/2010

A

ITEMS OF COMPENSATION	G.R.	M	Lump Sum	Compensation	Compensation	Compensation	Compensation	Compensation
			Compensation	Year 2	Years 3-5	Year 6	Year 7	Year 8
			Year 1	2011	2012-2014	2015	2016	2017
			2010	2011	2012-2014	2015	2016	2017
PT Eval	4%		145.00	145.00	145.00	145.00	145.00	145.00
PT	4%		945.00	945.00	420.00	420.00	420.00	420.00
Neurologist	5%		280.00	280.00	280.00	280.00	280.00	280.00
Family Practitioner/ General Medicine	5%		70.00	70.00	70.00	70.00	70.00	70.00
Rollator Walker	4%		100.00			100.00		
Restoril	5%		77.52	77.52	77.52	77.52	77.52	77.52
Geodon	5%	M	4,575.84	4,575.84	4,575.84	4,575.84	4,575.84	4,575.84
Xanax	5%		153.36	153.36	153.36	153.36	153.36	153.36
Depends	4%		407.76	407.76	407.76	407.76	407.76	407.76
Blue Pads CHUX	4%		395.40	395.40	395.40	395.40	395.40	395.40
Manual Wheelchair	4%		1,000.00				1,000.00	
WC Maint.	4%		105.00	105.00	105.00	105.00	105.00	105.00
Personal Assistance	4%	M	49,183.75	49,183.75	49,183.75	49,183.75	49,183.75	49,183.75
Hand Held Shower	4%		54.50				54.50	
Bath Seat	4%		100.00			100.00		
Chair Lift	4%							3,400.00
Health & Strength Equip	4%		175.00					
Transportation	4%		574.00	574.00	574.00	574.00	574.00	574.00
Home Mods	0%		4,000.00					
Pain and Suffering			236,126.12					
Past Unreimbursable Expenses			485,899.49					
Annual Totals			784,367.74	56,912.63	56,387.63	56,587.63	57,442.13	59,787.63

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$62,342.13) and pain and suffering (\$236,126.12): \$298,468.25.

As soon as practicable after entry of judgment, respondent shall make the following payments jointly to:

1. Petitioner and Logan Regional Medical Center for past unreimbursable expenses: \$448,602.58.
2. Petitioner and LRMC Physicians for past unreimbursable expenses: \$2,281.30.
3. Petitioner and Radiology, Inc. for past unreimbursable expenses: \$6,593.00.
4. Petitioner and Sheridan Health Care of WV for past unreimbursable expenses: \$2,300.00.
5. Petitioner and Southeastern Emerg. Phys., Inc. for past unreimbursable expenses: \$2,475.00.
6. Petitioner and University Surgical Associates for past unreimbursable expenses: \$225.00.
7. Petitioner and Emergency Physicians (Northeast Credit) for past unreimbursable expenses: \$2,475.00.
8. Petitioner and Pathology Laboratory Medical Con, Inc. for past unreimbursable expenses: \$145.00.
9. Petitioner and Southern Medical for past unreimbursable expenses: \$8,677.00.
10. Petitioner and Joby Joseph, M.D. for past unreimbursable expenses: \$2,070.61.
11. Petitioner and B.P. Rao, M.D. for past unreimbursable expenses: \$8,375.00.
12. Petitioner and Nursing Care Home Health for past unreimbursable expenses: \$1,680.00.

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment.

Items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

ITEMS OF COMPENSATION	G.R.	M	Compensation Years 9-10 2018-2019	Compensation Year 11 2020	Compensation Year 12 2021	Compensation Year 13 2022	Compensation Year 14-Life 2023-Life
PT Eval	4%		145.00	145.00	145.00	145.00	145.00
PT	4%		420.00	420.00	420.00	420.00	420.00
Neurologist	5%		280.00	280.00	280.00	280.00	280.00
Family Practitioner/ General Medicine	5%		70.00	70.00	70.00	70.00	70.00
Rollator Walker	4%			100.00	20.00	20.00	20.00
Restoril	5%		77.52	77.52	77.52	77.52	77.52
Geodon	5%	M	4,575.84	4,575.84	4,575.84	4,575.84	4,575.84
Xanax	5%		153.36	153.36	153.36	153.36	153.36
Depends	4%		407.76	407.76	407.76	407.76	407.76
Blue Pads CHUX	4%		395.40	395.40	395.40	395.40	395.40
Manual Wheelchair	4%					1,000.00	166.67
WC Maint.	4%		105.00	105.00	105.00	105.00	105.00
Personal Assistance	4%	M	49,183.75	49,183.75	49,183.75	49,183.75	49,183.75
Hand Held Shower	4%					54.50	9.08
Bath Seat	4%			100.00	20.00	20.00	20.00
Chair Lift	4%		340.00	340.00	340.00	340.00	340.00
Health & Strength Equip	4%						
Transportation	4%		574.00	574.00	574.00	574.00	574.00
Home Mods	0%						
Pain and Suffering							
Past Unreimbursable Expenses							
Annual Totals			56,727.63	56,927.63	56,767.63	57,822.13	56,943.38

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$62,342.13) and pain and suffering (\$236,126.12): \$298,468.25.

As soon as practicable after entry of judgment, respondent shall make the following payments jointly to:

1. Petitioner and Logan Regional Medical Center for past unreimbursable expenses: \$448,602.58.
2. Petitioner and LRMC Physicians for past unreimbursable expenses: \$2,281.30.
3. Petitioner and Radiology, Inc. for past unreimbursable expenses: \$6,593.00.
4. Petitioner and Sheridan Health Care of WV for past unreimbursable expenses: \$2,300.00.
5. Petitioner and Southeastern Emerg. Phys., Inc. for past unreimbursable expenses: \$2,475.00.
6. Petitioner and University Surgical Associates for past unreimbursable expenses: \$225.00.
7. Petitioner and Emergency Physicians (Northeast Credit) for past unreimbursable expenses: \$2,475.00.
8. Petitioner and Pathology Laboratory Medical Con, Inc. for past unreimbursable expenses: \$145.00.
9. Petitioner and Southern Medical for past unreimbursable expenses: \$8,677.00.
10. Petitioner and Joby Joseph, M.D. for past unreimbursable expenses: \$2,070.61.
11. Petitioner and B.P. Rao, M.D. for past unreimbursable expenses: \$8,375.00.
12. Petitioner and Nursing Care Home Health for past unreimbursable expenses: \$1,680.00.

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment.

Items denoted with an "M" payable in twelve monthly installments totaling the annual amount indicated.

CERTIFICATE OF SERVICE

I certify that on this 3rd day of March, 2010, a copy of RESPONDENT'S PROFFER ON AWARD OF COMPENSATION was served, by first-class mail, postage pre-paid, upon:

J. Nicholas Barth
Counsel for Petitioner
Barth & Thompson
Kanawha Boulevard, West at Berkeley Street
Charleston, West Virginia 25302
(304) 342-7111

V. Braun