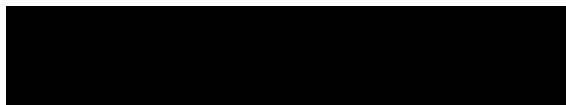


**In the United States Court of Federal Claims**

**OFFICE OF SPECIAL MASTERS**

**No. 15-235V**

Filed: November 29, 2023



Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\* \* \* \* \*

*Andrew Downing, Esq.*, Downing, Allison & Jorgenson, Phoenix, AZ, for petitioner.  
*Colleen Hartley, Esq.*, US Department of Justice, Washington, DC, for respondent.

**DECISION AWARDING DAMAGES<sup>1</sup>**

**Roth**, Special Master:

On March 6, 2015, [REDACTED] [“[REDACTED]” or “petitioner”] filed a petition on behalf of her minor child [REDACTED] for compensation under the National Vaccine Injury Compensation Program.<sup>2</sup> Petitioner alleges that her daughter suffered a complex febrile seizure and subsequent epileptic seizures and disorders after receiving varicella and pneumococcal conjugate vaccinations on April 16, 2012. Proffer, filed November 28, 2023; Petition, ECF No. 1. A Ruling on Entitlement issued on November 14, 2019, finding petitioner entitled to compensation. ECF No. 89.

<sup>1</sup> Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

Respondent filed a proffer on November 28, 2023, agreeing to issue the following payment:

- A. **A lump sum payment of \$1,438,719.84**, in the form of a check payable to petitioner as the court-appointed guardian(s)/conservator(s) of the estate of [REDACTED] for the benefit of [REDACTED];
- B. **A lump sum payment of \$5,859.08**, representing compensation for past unreimbursable expenses, in the form of a check payable to petitioner, [REDACTED]
- C. **A lump sum payment of \$31,581.68**, representing compensation for satisfaction of the State of [REDACTED] Medicaid lien, payable jointly to petitioner and:

[REDACTED] Department of Administrative Services

[REDACTED]

- D. **An amount sufficient to purchase the annuity contract described in section II.D of the proffer.**

Proffer, ECF No. 152.

I adopt respondent's proffer attached hereto, and award compensation in the amount and on the terms set forth therein. The clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/ Mindy Michaels Roth**  
Mindy Michaels Roth  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.