

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-864V

Filed: April 25, 2017

* * * * *
LISA TURNER,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

UNPUBLISHED

Special Master Gowen

Joint Stipulation on Damages;
Hepatitis B ("Hep B"); Multiple
Sclerosis ("MS"); Optic Neuritis

Michael McLaren, Black McLaren Jones Ryland & Griffee, P.C., Memphis, TN, for petitioner.
Lara Englund, United States Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

On December 4, 2008, Lisa Turner ("petitioner") filed a petition pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-10 to 34 (2012). Petitioner alleged that as a result of receiving a Hepatitis B ("Hep B") vaccine on December 20, 2005, she developed multiple sclerosis ("MS"), optic neuritis, and other injuries which persisted for over six months. Petition at ¶¶ 2-3.

On April 18, 2016, the undersigned determined in a written opinion that petitioner is entitled to compensation after finding that petitioner suffered from multiple sclerosis as a result

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

of the Hep B vaccination. ECF 120. Respondent continues to maintain his contrary position and denies that the Hep B vaccine was the cause of petitioner's multiple sclerosis or any other injury, but will not seek review of the undersigned's determination of entitlement. Stipulation at ¶ 7. The parties now agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds the stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

The parties stipulate that petitioner shall receive the following in compensation:

- a. **A lump sum of \$999,421.95, which amount represents compensation for first-year life care expenses (\$85,803.31); lost earnings (\$688,787.66); pain and suffering (\$210,795.70); and past unreimbursable expenses (\$14,035.28), in the form of a check payable to petitioner;**
- b. **A lump sum of \$8,878.10, which amount represents reimbursement of a Medicaid lien for services rendered on behalf of petitioner, in the form of check payable jointly to petitioner and**

**North Carolina Department of Health and Human Services
Division of Medical Assistance
2022 Mail Service Center
Raleigh, NC 27699-2022
Attn: Anita Butler
Case Number: 213927
Medicaid/Health Choice ID: 901030324L**

Petitioner agrees to endorse this payment to the North Carolina Department of Health and Human Services, Division of Medical Assistance.

- c. **An amount sufficient to purchase the annuity contract described in ¶10 of the Stipulation, paid to the life insurance company from which the annuity will be purchased.**

Id. at ¶ 9.

The undersigned approves the requested amount for petitioner's compensation. Accordingly, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Thomas L. Gowen
Thomas L. Gowen
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.