

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

Filed: November 28, 2017

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LINDA BAKER, *as the court-appointed* \*  
*guardian and conservator for* \*  
JAMES BAKER, \*

Petitioner, \*

v. \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*

\* \* \* \* \*

No. 17-1085V

Special Master Gowen

Dismissal; Order Concluding Proceedings  
Under Vaccine Rule 21(a); Influenza (“Flu”)  
Vaccination; Prurigo Nodularis.

Mark Sadaka, Mark T. Sadaka LLC, Englewood, NJ, for petitioner.

Daniel Principato, United States Department of Justice, Washington, DC for respondent.

### **ORDER CONCLUDING PROCEEDINGS<sup>1</sup>**

On August 9, 2017, Linda Baker (“petitioner”), as the court-appointed guardian and conservator for James Baker, filed a petition for compensation in the National Vaccine Injury Compensation Program.<sup>2</sup> Petitioner alleges that as a result of an influenza (“flu”) vaccination received on October 16, 2014, James Baker developed prurigo nodularis. Petition (ECF No. 1). On November 22, 2017, petitioner filed a notice of voluntary dismissal pursuant to Vaccine Rule 21(a). Notice (ECF No. 10).

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<sup>1</sup> Pursuant to the E-Government Act of 2002, *see* 44 U.S.C. § 3501 note (2012), **because this order concluding proceedings contains a reasoned explanation for the action in this case, I intend to post it on the website of the United States Court of Federal Claims.** The court’s website is at <http://www.uscfc.uscourts.gov/aggregator/sources/7>. Before the order is posted on the court’s website, each party has 14 days to file a motion requesting 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). “An objecting party must provide the court with a proposed redacted version of the decision.” *Id.* **If neither party files a motion for redaction within 14 days, the order will be posted on the court’s website without any changes. Id.**

<sup>2</sup> The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

## **I. DISCUSSION**

Under Vaccine Rule 21(a)(1)(A), petitioner may voluntarily dismiss the petition without order of the special master or the court by filing a notice of dismissal at any time before service of respondent's report.

Under Vaccine Rule 21(a)(3), the result of this voluntary dismissal is an Order Concluding Proceedings. No judgment will enter pursuant to Vaccine Rule 11, for purposes of 42 U.S.C. § 300aa-21(a).

## **II. CONCLUSION**

This petition is **DISMISSED without prejudice**. The Clerk of the Court is instructed that **judgment shall not enter**, pursuant to 42 U.S.C. § 300aa-21(a). The Clerk of the Court is directed to remove this case from my docket.

**IT IS SO ORDERED.**

**s/ Thomas L. Gowen**

Thomas L. Gowen  
Special Master