

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

\* \* \* \* \*

HALEY TYLKOWSKI for herself \*  
and as best friend and next of kin to \*  
OWT, deceased, and ESTATE OF \*  
OWT, by and through his parent \*  
Haley Tylkowski, \*

No. 19-1929V

Special Master Christian J. Moran

Petitioners, \*

Filed: June 24, 2021

v. \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Joint stipulation of dismissal; order  
concluding proceedings.

Respondent. \*

\* \* \* \* \*

Richard A. Shallcross, Richard A. Shallcross & Associates, PLLC, Tulsa, OK, for  
petitioners;

Lynn C. Schlie, United States Dep't of Justice, Washington, D.C., for respondent.

### **ORDER CONCLUDING PROCEEDINGS**

On December 19, 2019, petitioners filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §§ 300aa-1 to -34, as amended, alleging that the tetanus-diphtheria-acellular pertussis (“Tdap”) vaccine Haley Tylkowski received on December 19, 2016, or December 28, 2016, while pregnant with OWT, caused Ms. Tylkowski to experience a seizure and unconsciousness during delivery of OWT, further causing OWT to suffer a severe hypoxic event, leaving him “profoundly disabled” and ultimately leading to his death on January 13, 2018. See Pet. at 1-2.

On June 23, 2021, the parties filed a joint stipulation of dismissal (filed in CM/ECF as a “joint motion to voluntarily dismiss pursuant to Vaccine Rule 21(a)) stating, “The parties hereby stipulate pursuant to Vaccine Rule 21(a)(1)(B) that this

action shall be dismissed, and that a Rule 21(a)(3) ‘Order Concluding Proceedings’ should be issued by the Special Master.” J. Stip. ¶ 3.

Under Vaccine Rule 21(a)(1), petitioners may engage in a voluntary dismissal by filing a stipulation of dismissal which all parties have signed, which the parties here have done.

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).

**Thus, this case is DISMISSED. The Clerk is directed to remove this case from the docket of the undersigned.**

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master