

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-422V

December 16, 2013

Not for Publication

SEAN VANYO and KELLY VANYO, *
Parents and Natural Guardians of C.V., *
a Minor, *

Petitioners, *

v. * RotaTeq vaccine; intussusception;

respondent concedes entitlement

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

Jeffrey A. Golvash, Pittsburgh, PA, for petitioners.

Darryl R. Wishard, Washington, DC, for respondent.

MILLMAN, Special Master

RULING ON ENTITLEMENT¹

On June 26, 2013, petitioners filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10–34 (2012), alleging that RotaTeq vaccine administered to their son C.V.² on June 30, 2010, caused C.V.'s intussusception, which required surgical intervention.

¹ Because this unpublished ruling on entitlement contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished ruling on entitlement on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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.

On November 19, 2013, petitioners sent a demand for settlement to respondent.

On December 13, 2013, respondent filed Respondent's Rule 4(c) Report, stating that the case is appropriate for compensation under the Vaccine Act. See Respondent's Report, Dec. 13, 2013, ECF No. 15. Respondent requested cancellation of the next scheduled telephonic status conference on Monday, January 6, 2014, at 12:00 p.m. (EST). Respondent's request is **GRANTED**. This case is now in damages.

FACTS

C.V. was born on February 22, 2010.

On June 30, 2010, he received RotaTeq, DTaP, IPV, hepatitis B, HIB, and Prevnar vaccinations. Med. recs. Ex. 4, at 1.

On July 6, 2010, at 4:09 p.m., C.V. was taken to Westmoreland Hospital Emergency Department. Med. recs. Ex. 6, at 4. He had been vomiting since 1:00 a.m., was in pain, and was not eating. Id. He did not have fever. Id. C.V. was transferred to Children's Hospital in Pittsburgh where he underwent laparoscopic surgery to resolve his intussusception. Id. at 8; Med. recs. Ex. 7, at 94.

DISCUSSION

Petitioners had the burden of proving that RotaTeq vaccine caused in fact C.V. to have intussusception. With respondent's concession of liability, petitioners have satisfied their burden of proof. The undersigned **ORDERS** the parties to file a joint status report on their progress in settling this case by **January 31, 2014**.

CONCLUSION

With respondent's concession, this case is now in damages.

IT IS SO ORDERED.

December 16, 2013
DATE

s/Laura D. Millman
Laura D. Millman
Special Master

² Vaccine Rule 16(b) states that "if the petition is filed on behalf of a minor, the caption may include only the minor's initials. To avoid the need for a redaction request and accidental disclosure of the minor child's name in later proceedings in this case, the undersigned instructs the Clerk of Court to modify the case caption to the minor's initials C.V.