

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 08-523V

Filed: September 14, 2009

Not for publication

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BARRY AND KATHIE HAGEWOOD  
legal guardians of their minor child,  
CHLOE JANE HAGEWOOD,

Petitioners,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Damages decision based on  
stipulation, varicella and  
measles-mumps-rubella  
vaccines, acute cerebellar ataxia

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Curtis R. Webb, Twin Falls, ID, for petitioners.  
Darryl R. Wishard, Washington, DC, for respondent.

**MILLMAN, Special Master**

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

On September 10, 2009, the parties filed the attached stipulation, in which they agreed to

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 Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

settle this case and described the settlement terms. Petitioners alleged that their daughter, Chloe, suffered from acute cerebellar ataxia following varicella and measles-mumps-rubella vaccinations. Respondent denies that the vaccinee's acute cerebellar ataxia was caused in fact by her varicella and measles-mumps-rubella vaccinations. Nonetheless, the parties agreed to resolve this matter informally.


The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards:

- a. a lump sum of **\$100,000.00** in the form of a check, payable to petitioners as guardians and conservators of the estate of Chloe.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: Sept. 14, 2009

  
Laura D. Millman  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.