

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 10-752V
Filed: July 26, 2011
Unpublished

\*\*\*\*\*

JOSE and MARIA IBARRA, as the legal
representatives of the estate of SUSAN IBARRA,

Petitioners,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

\*\*\*\*\*

\*
\*
\*
\* Stipulation; Varicella vaccine;
\* Human papillomavirus vaccine,
\* HPV; Aplastic anemia; Death
\*
\*
\*
\*
\*

Curtis R. Webb, Twin Falls, ID, for Petitioner.
Ann Donohue Martin, U.S. Department of Justice, Washington, D.C., for Respondent.

DECISION

GOLKIEWICZ, Special Master.

On July 25, 2011, the parties to the above-captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of compensation in this case. Petitioners allege that Susan Ibarra suffered aplastic anemia caused by the varicella vaccine, which was significantly aggravated by the HPV vaccine, and subsequently died as a result of the aplastic anemia. The vaccinee received the varicella vaccine on July 23, 2008, and the HPV vaccine on August 12, 2008. Respondent denies that the varicella vaccine caused the aplastic anemia and denies that the varicella and/or HPV vaccines caused this death. Nonetheless, the parties agreed informally to resolve this matter. Stipulation, filed July 25, 2011.

The court hereby ADOPTS the parties' said Stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Specifically, petitioners are

1 The undersigned intends to post this decision on the website for the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). 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). Otherwise, the entire decision will be available to the public. Id. Any motion for redaction must be filed by no later than fourteen (14) days after filing date of this filing. Further, consistent with the statutory requirement, a motion for redaction must include a proposed redacted decision, order, ruling, etc.

awarded a lump sum of \$240,000.00 in the form of a check payable to petitioners. See Stipulation, ¶ 8, filed July 25, 2011.

The Clerk of the Court is directed to enter judgment accordingly.

**IT IS SO ORDERED.<sup>2</sup>**

s/ Gary J. Golkiewicz  
Gary J. Golkiewicz  
Special Master

---

<sup>2</sup> This document constitutes a final “decision” in this case pursuant to 42 U.S.C. § 300aa-12(d)(3)(A). Unless a motion for review of this decision is filed within 30 days, the Clerk of the Court shall enter judgment in accord with this decision. Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.