

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-1205V

Filed: January 12, 2017

Not to be Published

SHIRLEY EPPS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Motion for voluntary dismissal;
Order concluding proceedings
under Vaccine Rule 21(a)(1)(A);
Tdap and flu vaccines; restless
leg syndrome; paresthesia.

Lawrence R. Cohan, Philadelphia, PA, for petitioner.
Sarah C. Duncan, Washington, DC, for respondent.

MILLMAN, Special Master

ORDER CONCLUDING PROCEEDINGS¹

On October 15, 2015, petitioner filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34 (2012), alleging that tetanus toxoid-diphtheria-acellular pertussis (“Tdap”) and influenza (“flu”) vaccines administered on January 10, 2014 caused her restless leg syndrome and generalized paresthesia. See Pet. Preamble and ¶¶ 9, 13.

On January 11, 2017, petitioner filed a Motion for Voluntary Dismissal under Vaccine Rule 21(a).

¹ Because this Order Concluding Proceedings contains a reasoned explanation for the special master’s action in this case, the special master intends to post this Order Concluding Proceedings on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). 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, petitioners have 14 days to identify and move to redact such information prior to the document’s disclosure. If the special master, upon review, agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access.

DISCUSSION

Under Vaccine Rule 21(a)(1)(A), petitioner may engage in a voluntary dismissal by filing a notice of dismissal at any time before service of respondent's Rule 4(c) Report, which petitioner has done in the instant action.

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).

CONCLUSION

ORDERED. This petition is **DISMISSED**. The clerk of the court is directed to remove this case from the docket of the undersigned.

IT IS SO ORDERED.

Dated: January 12, 2017

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