

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-443V

Filed: October 25, 2016

Not to be Published

CHRISTIAN GEIDEMANN *
and ERINN GEIDEMANN, *
on behalf of their minor daughter, H.G.G., *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

Michael A. Firestone, San Mateo, CA, for petitioners.
Ann D. Martin, Washington, DC, for respondent.

Motion for voluntary dismissal;
Order concluding proceedings
under Vaccine Rule 21(a)(1)(A);
DTaP vaccine; PANS

MILLMAN, Special Master

ORDER CONCLUDING PROCEEDINGS¹

On April 7, 2016, petitioners filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34 (2012), alleging that diphtheria-tetanus toxoid-acellular pertussis (“DTaP”) vaccine and/or measles-mumps-rubella (“MMR”) vaccine administered on April 3, 2013 caused their daughter pediatric acute neuropsychiatric syndrome (“PANS”). See Pet. Preamble and ¶¶ 2, 8.

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.

On July 21, 2016, petitioners filed an amended petition, omitting MMR as a causal vaccine, and alleging that DTaP caused their daughter not only PANS, but also autoimmune encephalitis and/or inflammatory autoimmune disorder. See Am. Pet. ¶ 48. In the alternative, they allege that DTaP caused severe encephalopathy significantly aggravating their daughter's preexisting PANS and/or mental illness. Id. at ¶¶ 49, 50.

On October 24, 2016, petitioners filed a Motion for Voluntary Dismissal under Vaccine Rule 21(a).

DISCUSSION

Under Vaccine Rule 21(a)(1)(A), petitioners 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 petitioners have 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: October 25, 2016

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