



On January 18, 2017, the undersigned issued a ruling on entitlement, finding petitioners entitled to compensation. (ECF No. 13). On May 12, 2017, respondent filed a proffer on award of compensation ("Proffer") indicating petitioners should be awarded **an amount sufficient to purchase an annuity contract**,<sup>3</sup> paid to the life insurance company from which the annuity will be purchased,<sup>4</sup> subject to the conditions described in the Proffer that will provide the following payments to S.I.:

1. **\$49,483.78 payable in a certain lump sum on 01/19/2029.**
2. **\$54,561.55 payable in a certain lump sum on 01/19/2032.**
3. **\$62,204.39 payable in a certain lump sum on 01/19/2036.**

Proffer at 2. The Proffer further indicates, if S.I. predeceases any of these payments, said payments shall be made to his estate upon receiving written notice, provided within 20 days, to respondent and the life insurance company from which the annuity will be purchased. *Id.* In the Proffer, respondent represented that petitioners agree with the proffered award. *Id.* Based on the record as a whole, the undersigned finds that petitioners are entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **the undersigned awards petitioners an amount sufficient to purchase an annuity contract, to provide the payments to S.I described above and in the Proffer, paid to the life insurance company from which the annuity contract will be purchased.** This amount represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.<sup>5</sup>

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Chief Special Master

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<sup>3</sup> The Proffer indicates that respondent may, in his discretion, purchase multiple annuity contracts from multiple life insurance companies. Proffer at 2 n.2.

<sup>4</sup> Any life insurance company from which an annuity contract is purchased must met the requirements set forth in the Proffer. See Proffer at 2 n.3.

<sup>5</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.



A. Annuity

An amount sufficient to purchase an annuity contract,<sup>2</sup> paid to the life insurance company<sup>3</sup> from which the annuity will be purchased,<sup>4</sup> subject to the conditions described below, that will provide payments to S.I. as set forth below:

1. \$49,483.78 payable in a certain lump sum on 01/19/2029.
2. \$54,561.55 payable in a certain lump sum on 01/19/2032.
3. \$62,204.39 payable in a certain lump sum on 01/19/2036.

Should S.I. predecease any of the certain payments set forth above, said payments shall be made to his estate. Written notice to the Secretary of Health and Human Services and to the Life Insurance Company shall be provided within twenty (20) days of S.I.'s death.

This amount represents all elements of compensation to which S.I. would be entitled under 42 U.S.C. § 300aa-15(a). Petitioners agree.<sup>5</sup>

**II. Summary of Recommended Payments Following Judgment**

- A. An amount sufficient to purchase the annuity contract described above in section I. A.

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<sup>2</sup> In respondent's discretion, respondent may purchase one or more annuity contracts from one or more life insurance companies.

<sup>3</sup> The Life Insurance Company must have a minimum of \$250,000,000 capital and surplus, exclusive of any mandatory security valuation reserve. The Life Insurance Company must have one of the following ratings from two of the following rating organizations:

- a. A.M. Best Company: A++, A+, A+g, A+p, A+r, or A+s;
- b. Moody's Investor Service Claims Paying Rating: Aa3, Aa2, Aa1, or Aaa;
- c. Standard and Poor's Corporation Insurer Claims-Paying Ability Rating: AA-, AA, AA+, or AAA;
- d. Fitch Credit Rating Company, Insurance Company Claims Paying Ability Rating: AA-, AA, AA+, or AAA.

<sup>4</sup> Petitioners authorize the disclosure of certain documents filed by the petitioners in this case consistent with the Privacy Act and the routine uses described in the National Vaccine Injury Compensation Program System of Records, No. 09-15-0056.

<sup>5</sup> At the time payment is received, S.I. will be an adult, and thus guardianship is not required.

Respectfully submitted,

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