

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

Filed: May 24, 2021

RYAN HODGES, as Mother and Natural Guardian of S.H., a minor, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent. No. 18-1234V Special Master Sanders Vaccine Rule 21(a); Order Concluding Proceedings

Braden A. Blumenstiel, The Law Office of DuPont & Blumenstiel, Dublin, OH, for Petitioner. Jeremy C. Fugate, United States Department of Justice, Washington, DC, for Respondent.

ORDER CONCLUDING PROCEEDINGS1

On August 17, 2018, Ryan Hodges ("Petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program2 ("Vaccine Program" or "Program"). 42 U.S.C. § 300aa-10 to 34 (2012). Petitioner alleged that her minor child, S.H., suffered from various symptoms and ailments resulting from a human papillomavirus ("HPV") vaccine administered on August 17, 2015 and December 31, 2015. Pet. at 1-6, ECF No. 1. On April 19, 2021, Petitioner filed a joint stipulation of dismissal on behalf of the parties pursuant to Vaccine Rule 21(a)(1)(B). ECF No. 33.

Accordingly, pursuant to Vaccine Rule 21(a), this case is hereby dismissed without prejudice. The Clerk of Court is hereby instructed that a judgement shall not enter in the instant case pursuant to Vaccine Rule 21(a).

IT IS SO ORDERED.

1 Although this Order has been formally designated "unpublished," it will nevertheless be posted on the Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). This means the Order will be available to anyone with access to the internet. However, the parties may object to the Order's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen 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 whole Order will be available to the public. Id.

2 National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755 ("the Vaccine Act" or "Act"). Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

s/ Herbrina D. Sanders
Herbrina D. Sanders
Special Master

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

RYAN HODGES, as Mother *
And Natural Guardian of S.H., *
A minor *

Petitioner, *

v. *

SECRETARY OF HEALTH AND *
HUMAN SERVICES, *

Respondent. *

Case No. 18-1234

Special Herbrina Sanders

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

It is hereby stipulated by and between the parties, the following matters:

1. On 8/17/2018, Ryan Hodges (as mother and natural guardian of S.H., a minor) filed a Petition for Vaccine Compensation.
2. Petitioner sought supporting expert medical opinions from her treating physicians and retained experts but, for various reasons, was unable to obtain a supporting expert report.
3. Petitioner and respondent hereby stipulate pursuant to Vaccine Rule 21(a) that this action shall be dismissed.
4. The parties respectfully request this dismissal be without prejudice, as petitioner wants to preserve all legal rights potentially available to her.
5. Petitioner understands that a decision by the Special Master dismissing her petition will result in no compensation being paid to petitioner. Petitioner has

been advised that such a judgment will end petitioner's rights in the Vaccine Program.

6. Petitioner understands that counsel for petitioner may apply for attorney's fees and expenses once this case is dismissed and judgment is entered against petitioner's claim.
7. Petitioner's counsel has contacted respondent's counsel regarding this Joint Stipulation of Dismissal. Respondent approves of and joins this Joint Stipulation of Dismissal.

/s/ Braden Blumenstiel

Braden A. Blumenstiel (0078254)
Attorney for Petitioner
DuPont & Blumenstiel
655 Metro Place South, Ste 440
Dublin, Ohio 43017
P: 614/ 408-0529
F: 866/465-1924
braden@dandblaw.com

/s/ Jeremy Fugate

Jeremy Fugate
Senior Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Ben Franklin Station
Washington, D.C. 20044-0146