



vaccine administration (“SIRVA”) resulting in chronic pain in her left shoulder and arm, or in the alternative, a significant aggravation of an underlying immunologic, neurologic, or genetic disorder resulting in the development of pain and decreased range of motion in her left shoulder and arm. Pet. at 1, ECF No. 1.

Petitioner filed multiple motions for an extension of time, totaling 243 days. *See* ECF Nos. 7, 8, 9, 10, 12. On October 15, 2021, Petitioner’s former counsel, Mr. Glen Sturtevant Jr., spoke with an OSM Staff Attorney about being unable to contact Petitioner. *See* Informal Telephonic and Email Communication Remark on 10/27/2021. Mr. Sturtevant also indicated to the OSM Staff Attorney his desire to withdraw as attorney from this case. *See id.*

On November 12, 2021, Mr. Sturtevant filed a status report detailing his efforts to try to contact Petitioner. ECF No. 15. These efforts included:

- An email on January 27, 2021
- A telephone call on February 3, 2021
- An email on February 11, 2021
- An email on February 24, 2021
- An email on March 3, 2021
- A telephone call on March 12, 2021
- A telephone call on March 24, 2021
- A telephone call on April 8, 2021
- An email on April 14, 2021
- A letter via certified mail on April 15, 2021
- A telephone call and email on October 12, 2021

*See id.* Mr. Sturtevant received no communication from Petitioner. *Id.*

On February 17, 2022, Mr. Sturtevant filed a Motion to Withdraw as Attorney. ECF No. 21. Mr. Sturtevant also stated that he has not received a response from Petitioner for over a year. *See id.*

On June 15, 2022, an order was issued directing Mr. Sturtevant to give notice to Petitioner of his Motion to Withdraw and file proof that he has done so. ECF No. 22.

On August 1, 2022, Mr. Sturtevant filed Ex. 1, which included a letter to Ms. Bell, the Motion to Withdraw, and the Court’s June 15, 2022 Order, which were emailed to Ms. Bell and also mailed to her via first-class mail and certified mail. Ex. 1. Mr. Sturtevant also filed a certified mail return receipt card. Ex. 2. Mr. Sturtevant filed a status report including Petitioner’s current address and phone number. ECF No. 24.

On August 16, 2022, Mr. Sturtevant’s motion to withdraw as attorney was granted. ECF No. 25. This case was assigned to me on that same date. ECF No. 28.

On August 17, 2022, I issued an Order to Show Cause, in which Petitioner was ordered to file a status report indicating whether she would like to continue prosecution of her claim by

September 16, 2022. ECF No. 30. I informed Petitioner that her failure to file a status report would be interpreted as a failure to prosecute this claim and her petition would be dismissed. September 16, 2022 passed with no filings from Petitioner. To date, Petitioner has not filed any document indicating her desire to continue with the prosecution of her claim.

## II. Conclusion

Vaccine Rule 21(b)(1) provides that a “special master or the court may dismiss a petition or any claim therein for failure of the petitioner to prosecute or comply with these rules or any order of the special master or the court.” It is Petitioner’s obligation to follow court orders. Failure to follow court orders, as well as failure to file status reports or other required documents, can result in dismissal of Petitioner’s claim. *Tsekouras v. Sec’y of Health & Hum. Servs.*, 26 Cl. Ct. 439 (1992), 991 F.2d 810 (Fed. Cir. 1993) *aff’d per curiam without opin.*; *Sapharas v. Sec’y of Health & Hum. Servs.*, 35 Fed. Cl. 503 (1996); Vaccine Rule 21(b). Petitioner has failed to file any medical records and has not communicated with chambers or her former counsel since 2021.

### ACCORDINGLY, IT IS ORDERED THAT,

The petition is hereby **DISMISSED** for failure to follow court orders and failure to prosecute. The Clerk shall enter judgment accordingly.

A copy of this Decision shall be sent to Petitioner via U.S. Mail at the following address:

**Kathy Bell**  
**10572 W. Fountain Avenue**  
**Apt. 60**  
**Milwaukee, WI 53224**

Any questions regarding this Decision may be directed to my law clerk, Sydney Lee, by telephone at 202-357-6347, or by email at [Sydney\\_Lee@cfc.uscourts.gov](mailto:Sydney_Lee@cfc.uscourts.gov).

**IT IS SO ORDERED.**

**s/ Katherine E. Oler**  
Katherine E. Oler  
Special Master