

**US Court of Federal Claims
United States Court of Federal Claims (COFC)
CIVIL DOCKET FOR CASE #: 1:99–vv–00455–EGB**

DUNCAN v. HHS
Assigned to: Senior Judge Eric G. Bruggink
Referred to: Special Master Christian J. Moran
Demand: \$0
Cause: 42:300 Vaccine Injury Act

Date Filed: 07/13/1999
Date Terminated: 10/05/2007
Nature of Suit: 484 Injury – Hepatitis B
Jurisdiction: U.S. Government Defendant

Petitioner

CARLY IRIS DUNCAN
*a minor, by her parents and natural
guardians*

represented by **Clifford John Shoemaker**
Shoemaker and Associates
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Petitioner

CARL DUNCAN
and

represented by **Clifford John Shoemaker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Petitioner

STACEY DUNCAN

represented by **Clifford John Shoemaker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

**SECRETARY OF HEALTH AND
HUMAN SERVICES**

represented by **Caroline Ferebee Gossee Elmendorf**
U. S. Department of Justice
Vaccine/Torts Branch, Civil Division
P.O. Box 146
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(202) 616–4122
TERMINATED: 09/21/1999
LEAD ATTORNEY
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TERMINATED: 01/05/2000
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Karen Peckham Hewitt
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TERMINATED: 05/31/2000
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TERMINATED: 11/08/2006
LEAD ATTORNEY
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Date Filed	#	Docket Text
07/13/1999	1	PETITION by CARLY IRIS DUNCAN, a minor, by her parents and natural guardians, CARL DUNCAN and STACEY DUNCAN. FILING FEE \$120, RECEIPT #047821, Vac. Date: 4/17/98 (Respondent's report due 10/12/99). (FE) (Entered: 07/14/1999)
07/13/1999	2	NOTICE OF assignment to Special Master Richard B. Abell. Copy to parties. (FE) (Entered: 07/14/1999)
07/13/1999		CASE assigned to Judge Unassigned. (FE) (Entered: 07/14/1999)
07/16/1999	3	ORDER re: Petitioner shall confer with Respondent and contact the court by 8/10/99 re: the initial conference call. (signed by Special Master Richard B. Abell) Copy to parties. (JT) Modified on 07/19/1999 (Entered: 07/19/1999)
07/30/1999	4	NOTICE of Attorney Appearance for HHS by Caroline Ferebee Gossee Elmendorf. Service : 7/30/99 (JT) (Entered: 08/02/1999)

08/03/1999	5	SEE NO. 98-121V FOR ORDER reassigning this case to Chief Special Master Gary J. Golkiewicz. Copy to parties. (DS) (Entered: 08/05/1999)
08/13/1999	6	ORDER (see 98-843V for Order) set Additional Documents due: 11/5/99 for STACEY DUNCAN, for CARL DUNCAN, for CARLY IRIS DUNCAN , set Status Report deadline to 11/5/99 (signed by Chief Special Master Gary J. Golkiewicz) Copy to parties. (JT) (Entered: 08/17/1999)
09/21/1999	7	NOTICE of Attorney Appearance for HHS by Gerard William Fischer. Service: 9/21/99. (FE) (Entered: 09/24/1999)
12/08/1999	8	MOTION by CARLY IRIS DUNCAN, et al. (Service : 12/8/99) to designate Dunbar v. HHS (98-627V) as master file , and to Extend Time to file a status report. Response due: 12/27/99 (DS) (Entered: 12/15/1999)
01/05/2000	9	NOTICE of Attorney Appearance for HHS by Karen Peckham Hewitt Service : 1/5/00 (JT) (Entered: 01/05/2000)
01/05/2000	10	RESPONSE by HHS (Service: 1/5/00) to [8-1] motion to designate Dunbar v. HHS (98-627V) as master file, [8-2] motion to Extend Time to file a status report. Reply due: 1/18/00 (JT) (Entered: 01/05/2000)
02/14/2000	13	ORDER denying [8-1] motion to designate Dunbar v. HHS (98-627V) as master file, denying [8-2] motion to Extend Time to file a status report. (signed by Chief Special Master Gary J. Golkiewicz) Copy to parties. (DS) (Entered: 03/27/2000)
02/15/2000	11	STATUS REPORT by CARLY IRIS DUNCAN, CARL DUNCAN, STACEY DUNCAN Service: 2/14/00 (HW) (Entered: 02/16/2000)
03/13/2000	12	ORDER staying proceedings for 180 days. (signed by Chief Special Master Gary J. Golkiewicz Copy to parties. (DS) (Entered: 03/13/2000)
05/16/2000	14	STATUS REPORT by CARLY IRIS DUNCAN, CARL DUNCAN, STACEY DUNCAN Service: 5/16/00 (HW) (Entered: 05/16/2000)
05/31/2000	15	NOTICE of Attorney Appearance for HHS by Mark William Rogers Service : 5/31/00 (HW) (Entered: 06/02/2000)
08/21/2000	16	STATUS REPORT by CARLY IRIS DUNCAN, CARL DUNCAN, STACEY DUNCAN Service: 8/17/00 (JT) (Entered: 08/23/2000)
09/22/2000	17	ORDER re: petitioners directed to file by 10/13/00 notice of intent to remain in the Vaccine Program (signed by Chief Special Master Gary J. Golkiewicz) Copy to parties. (HW) (Entered: 09/29/2000)
12/12/2000	18	STATUS REPORT by CARLY IRIS DUNCAN, CARL DUNCAN and STACEY DUNCAN. Service: 12/12/00. (FE) (Entered: 12/12/2000)
03/13/2001	19	STATUS REPORT by CARLY IRIS DUNCAN, CARL DUNCAN, STACEY DUNCAN Service: 3/12/01 (DS) (Entered: 03/13/2001)
04/05/2001	20	ORDER reassigning this case to Special Master Laura D. Millman. Copy to parties. (DS) (Entered: 04/05/2001)
05/16/2001	21	ORDER directing petitioners to file hard copies rather than CDs (signed by Special Master Laura D. Millman) Copy to parties. (HW) (Entered: 05/23/2001)

07/31/2001	22	MOTION by CARLY IRIS DUNCAN, CARL DUNCAN, STACEY DUNCAN (Service : 7/28/01) for issuance of subpoenas Response due: 8/14/01 (HW) (Entered: 08/01/2001)
08/07/2001	23	ORDER granting [22-1] motion for issuance of subpoenas (signed by Special Master Laura D. Millman). Copy to parties. (LTD) (Entered: 08/08/2001)
08/30/2001	24	ORDER Petitioner's medical record is due by 3/29/02 or the case will be dismissed for lack of prosecution (signed by Special Master Laura D. Millman). Copy to parties. (LTD) (Entered: 08/31/2001)
10/25/2001	25	NOTICE of Attorney Appearance for HHS by Vincent James Matanoski. Service: 10/25/01. (LTD) (Entered: 10/26/2001)
02/28/2002	26	Notice of filing Exhibit 1 and 2 by CARLY IRIS DUNCAN, CARL DUNCAN and STACEY DUNCAN. Service: 2/26/02. (FE) (Entered: 02/28/2002)
02/24/2003	27	ORDER re: all future action is stayed until petitioner notifies this court that petitioner is prepared to proceed. (signed by Special Master Laura D. Millman) Copy to parties. (JT) (Entered: 02/28/2003)
05/26/2004	28	ORDER re: the statutory 240-day time period for the special master's issuance of a decision in this case has expired. Petitioner may submit a notice continuing or withdrawing the petition and such notice shall be filed within 30 days. Signed by Special Master Laura D. Millman. (jat,) (Entered: 05/26/2004)
07/22/2005	29	NOTICE OF FILING [Exhibits #3-4, Medical Records] by CARLY IRIS DUNCAN, CARL DUNCAN, STACEY DUNCAN. Service: 7/22/05 by hand.(tjk,) (Entered: 07/25/2005)
02/08/2006	30	ORDER REASSIGNING CASE. Case reassigned to Special Master Christian J. Moran for all further proceedings. Signed by Special Master Gary J. Golkiewicz. (tjk,) (Entered: 02/13/2006)
02/24/2006	31	STATUS CONFERENCE ORDER: Status Conference set for 3/27/2006 09:30 AM and 3/29/06 at the Office of Special Masters conference room before Special Master Christian J. Moran. Signed by Special Master Christian J. Moran. (tjk,) (Entered: 02/27/2006)
03/29/2006		Minute Entry for proceedings held before Special Master Christian J. Moran : Status Conference held on 03/27/06. The status conference was digitally recorded and a transcript can be created. (Moran, Christian) (Entered: 03/29/2006)
03/29/2006	32	SCHEDULING ORDER: By 5/30/06, petitioner shall file any outstanding medical records, or in unavailable, either a notice of unavailability or a status report. Signed by Special Master Christian J. Moran. (tjk,) (Entered: 04/03/2006)
04/27/2006	33	MOTION leave to file electronically , filed by Petitioner Service: 4/25/2006. Response due by 5/12/2006. (mij,) (Entered: 04/28/2006)
05/04/2006	34	ORDER granting 33 Motion for leave to file electronically Signed by Special Master Christian J. Moran. (tjk,) (Entered: 05/04/2006)
05/04/2006	<u>35</u>	NOTICE of Designation of Electronic Case. (tjk,) (Entered: 05/04/2006)
05/28/2006	<u>36</u>	STATUS REPORT, filed by CARLY IRIS DUNCAN. (Shoemaker, Clifford) (Entered: 05/28/2006)
07/05/2006	<u>37</u>	STATUS CONFERENCE ORDER: Status Conference set for 7/19/2006 at 10:00 AM in Chambers (Telephonic) before Special

		Master Christian J. Moran. Signed by Special Master Christian J. Moran. (szs) (Entered: 07/05/2006)
07/19/2006		Minute Entry for proceedings held before Special Master Christian J. Moran: Status Conference held on 7/19/06. (szs) (Entered: 07/19/2006)
07/19/2006	<u>38</u>	SCHEDULING ORDER: Affidavit and medical records due by 8/18/2006. Status Conference set for 9/6/2006 at 10:00 AM in Chambers (Telephonic) before Special Master Christian J. Moran. Signed by Special Master Christian J. Moran. (szs) (Entered: 07/19/2006)
08/18/2006	<u>39</u>	AFFIDAVIT by STACEY DUNCAN. (Attachments: # <u>1</u> Exhibit Table of Contents# <u>2</u> Exhibit EXH05–Affidavit of Stacey Duncan (Mother))(Knickelbein, Sabrina) (Entered: 08/18/2006)
08/18/2006	<u>40</u>	STATUS REPORT <i>regrding outstanding medical records</i> , filed by STACEY DUNCAN. (Knickelbein, Sabrina) (Entered: 08/18/2006)
08/18/2006	<u>41</u>	MOTION for Extension of Time until 9/18/2006 to filing outstanding medical records, filed by STACEY DUNCAN. Response due by 9/5/2006. (Knickelbein, Sabrina) (Entered: 08/18/2006)
08/24/2006	<u>42</u>	ORDER granting <u>41</u> Motion for Extension of Time. Medical records due by 9/22/2006. Status confernece for 9/6/2006 is cancelled and rescheduled for 10/12/06 at 11:00 AM. Signed by Special Master Christian J. Moran. (szs) (Entered: 08/24/2006)
09/11/2006	<u>43</u>	MEDICAL RECORDS [Exhibit(s) #6] filed by STACEY DUNCAN. (Attachments: # <u>1</u> Exhibit Table of Contents# <u>2</u> Exhibit EXH06–1––Babies Can't Wait# <u>3</u> Exhibit EXH06–2––Babies Can't Wait# <u>4</u> Exhibit EXH06–3––Babies Can't Wait)(Knickelbein, Sabrina) (Entered: 09/11/2006)
09/20/2006	<u>44</u>	MEDICAL RECORDS [Exhibit(s) #7–8] filed by STACEY DUNCAN. (Attachments: # <u>1</u> Exhibit Table of Contents# <u>2</u> Exhibit EXH07–Affidavit of Unavailability for Dr. Poole's Records# <u>3</u> Exhibit EXH08–Amy Hardin, M.D. – No Records Statement)(Knickelbein, Sabrina) (Entered: 09/20/2006)
10/12/2006		Minute Entry for proceedings held before Special Master Christian J. Moran: Status Conference held on 10/12/06. (szs) (Entered: 10/12/2006)
10/13/2006	<u>45</u>	SCHEDULING ORDER: Status Conference set for 11/15/2006 at 1:00 PM in Chambers (Telephonic) before Special Master Christian J. Moran. Signed by Special Master Christian J. Moran. (szs) (Entered: 10/13/2006)
11/08/2006	<u>46</u>	NOTICE of Appearance by Melonie June McCall for SECRETARY OF HEALTH AND HUMAN SERVICES.. (McCall, Melonie) (Entered: 11/08/2006)
11/21/2006		Minute Entry for proceedings held before Special Master Christian J. Moran: Status Conference held on 11/21/06. (szs) (Entered: 11/21/2006)
11/22/2006	<u>47</u>	SCHEDULING ORDER: Status Conference set for 2/7/2007 at 10:00 AM in Chambers (Telephonic) before Special Master Christian J. Moran. Signed by Special Master Christian J. Moran. (szs) (Entered: 11/22/2006)
12/13/2006	<u>48</u>	MEDICAL RECORDS [Exhibit(s) #9] filed by STACEY DUNCAN. (Attachments: # <u>1</u> Exhibit Table of Contents# <u>2</u> Exhibit EXH09–Child Neurology Associates – Updated

		Records)(Knickelbein, Sabrina) (Entered: 12/13/2006)
02/07/2007		Minute Entry for proceedings held before Special Master Christian J. Moran: Status Conference held on 2/7/07 to discuss progress of case. (szs) (Entered: 02/07/2007)
02/08/2007	<u>49</u>	SCHEDULING ORDER: Status Conference set for 2/22/2007 at 3:00 PM in Chambers (Telephonic) before Special Master Christian J. Moran. Signed by Special Master Christian J. Moran. (szs) (Entered: 02/08/2007)
02/12/2007	<u>50</u>	AFFIDAVIT (<i>and vaccination record</i>) by STACEY DUNCAN. (Attachments: # <u>1</u> Index# <u>2</u> Affidavit EXH10# <u>3</u> Exhibit EXH11)(Gentry, Renee) (Entered: 02/12/2007)
02/22/2007		Minute Entry for proceedings held before Special Master Christian J. Moran : Status Conference held on 02/22/07, to discuss progress in settling the case. (Moran, Christian) (Entered: 02/22/2007)
02/22/2007	<u>51</u>	STATUS CONFERENCE ORDER: Status Conference set for 3/9/2007 11:30 AM in Chambers (Telephonic) before Special Master Christian J. Moran. Signed by Special Master Christian J. Moran. (Moran, Christian) (Entered: 02/22/2007)
03/09/2007		Minute Entry for proceedings held before Special Master Christian J. Moran: Status Conference held on 3/9/07 to discuss settlement progress. (szs) (Entered: 03/09/2007)
03/09/2007	<u>52</u>	STATUS CONFERENCE ORDER: Status Conference set for 3/29/2007 at 10:00 AM in Chambers (Telephonic) before Special Master Christian J. Moran. Signed by Special Master Christian J. Moran. (szs) (Entered: 03/09/2007)
03/29/2007		Minute Entry for proceedings held before Special Master Christian J. Moran: Status Conference held on 3/29/07 to discuss settlement progress. (szs) (Entered: 03/29/2007)
03/30/2007	<u>53</u>	SCHEDULING ORDER: Status Conference set for 4/27/2007 at 1:00 PM in Chambers (Telephonic) before Special Master Christian J. Moran. Signed by Special Master Christian J. Moran. (szs) (Entered: 03/30/2007)
04/26/2007	<u>54</u>	15-Week STIPULATION ORDER: Respondent shall, within 15 weeks, send petitioner(s) the joint stipulation and file a status report. Within 30 days after the receipt of the stipulation, the petitioner(s) shall file a status report. Within 15 days after receiving the stipulation from petitioner(s), the respondent shall file the signed stipulation. Respondents Status Report due by 8/9/2007. Signed by Special Master Christian J. Moran. (szs) (Entered: 04/26/2007)
04/26/2007		Minute Entry for proceedings held before Special Master Christian J. Moran: Status Conference held on 4/26/07. (szs) (Entered: 04/26/2007)
07/09/2007	<u>55</u>	STATUS REPORT, filed by SECRETARY OF HEALTH AND HUMAN SERVICES. (McCall, Melonie) (Entered: 07/09/2007)
07/13/2007	<u>56</u>	STATUS REPORT, filed by SECRETARY OF HEALTH AND HUMAN SERVICES. (McCall, Melonie) (Entered: 07/13/2007)
08/17/2007	<u>57</u>	STIPULATION for Award, filed by SECRETARY OF HEALTH AND HUMAN SERVICES. (McCall, Melonie) (Entered: 08/17/2007)
08/17/2007	<u>58</u>	STIPULATION, filed by SECRETARY OF HEALTH AND HUMAN SERVICES. (McCall, Melonie) (Entered: 08/17/2007)

08/31/2007	<u>59</u>	DECISION Signed by Special Master Christian J. Moran. (Attachments: # <u>1</u> Appendix A – Stipulation)(szs) (Entered: 08/31/2007)
08/31/2007	<u>60</u>	NOTICE, filed by SECRETARY OF HEALTH AND HUMAN SERVICES (<i>of Withdrawal</i>). (McCall, Melonie) (Entered: 08/31/2007)
10/05/2007	<u>61</u>	JUDGMENT entered, pursuant to Vaccine Rule 11(a), that petitioner is awarded compensation in the amount of \$20,000.00 in the form of a check payable to petitioners as legal representatives of Carly Iris Duncan. (lld) (Entered: 10/05/2007)
10/09/2007	<u>62</u>	Petitioner's Election to Accept <u>61</u> Judgment. (Shoemaker, Clifford) (Entered: 10/09/2007)
03/21/2008	<u>63</u>	MOTION for Attorney Fees, filed by STACEY DUNCAN. Response due by 4/7/2008. (Attachments: # <u>1</u> Fees Documentation)(Shoemaker, Clifford) (Entered: 03/21/2008)
04/22/2008	<u>64</u>	SCHEDULING ORDER: Response to Petitioner's Motion for Attorney's Fees due by 5/2/2008. Signed by Special Master Christian J. Moran. (fs) (Entered: 04/22/2008)
05/01/2008	<u>65</u>	RESPONSE to <i>Petitioner's Motion for Attorneys' Fees and Costs</i> , filed by SECRETARY OF HEALTH AND HUMAN SERVICES. (McCall, Melonie) (Entered: 05/01/2008)
05/07/2008	<u>66</u>	REPLY to Response to Motion re <u>63</u> MOTION for Attorney Fees, filed by STACEY DUNCAN. (Shoemaker, Clifford) (Entered: 05/07/2008)
05/07/2008	<u>67</u>	ORDER: Petitioner is encouraged to file a Reply Brief to Respondent's Objection to Motion for Attorneys' Fees by 5/12/2008. Signed by Special Master Christian J. Moran. (fs) (Entered: 05/07/2008)
05/30/2008	<u>68</u>	DECISION on Attorney's Fees and Costs. Signed by Special Master Christian J. Moran. (fs) (Entered: 05/30/2008)
06/27/2008	<u>69</u>	MOTION for Review of <u>68</u> DECISION of Special Master – Fees, filed by CARLY IRIS DUNCAN. Response to Motion for Review due by 7/30/2008. (Shoemaker, Clifford) (Entered: 06/27/2008)
06/27/2008	<u>70</u>	NOTICE of Assignment to Senior Judge Eric G. Bruggink. (dls) (Entered: 07/01/2008)
06/27/2008		Case assigned to Senior Judge Eric G. Bruggink. (dls) (Entered: 07/01/2008)