

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

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BRAD and JEANNE SPODEN, as Parents,	*	No. 12-68V
of COLE MICHAEL SPODEN,	*	Special Master Christian J. Moran
	*	
Petitioners,	*	
	*	
v.	*	Filed: August 16, 2012
	*	
SECRETARY OF THE DEPARTMENT	*	Stipulation; Measles-Mumps-
OF HEALTH AND HUMAN SERVICES,	*	Rubella vaccination; acute
	*	disseminated encephalomyelitis.
Respondent.	*	

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**UNPUBLISHED DECISION\***

Thomas J. Cahill, Cahill Law Offices, Nevada, IA, for Petitioners;  
Melonie J. McCall, U.S. Department of Justice, Washington, D.C., for Respondent.

On August 13, 2012, the parties filed a joint stipulation concerning the petition for compensation filed by Brad and Jeanne Spoden, as parents of their son, Cole Michael Spoken (“Cole”), on February 1, 2012. In their petition, the petitioners alleged that the Measles-Mumps-Rubella (“MMR”) vaccination, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), and which Cole received on or about April 10, 2009<sup>1</sup>, caused Cole to suffer acute disseminated encephalomyelitis (“ADEM”), the effects of which lasted for more than six months.

Respondent denies that the MMR, DTaP, IPV, Varicella, or hepatitis A vaccinations caused Cole to suffer ADEM or any other injury. Respondent further denies that Cole’s current disabilities are sequelae of a vaccine-related injury.

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\* The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

<sup>1</sup> On this date, Cole also received the Diphtheria-Tetanus-acellular Pertussis (“DTaP”), Polio (“IPV”), Varicella, and Hepatitis A vaccinations.

Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- A. A lump sum payment of \$50,000.00 in the form of a check payable to petitioners are guardians/conservators of Cole's estate. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 12-68V according to this decision and the attached stipulation.

Any questions may be directed to my law clerk, Jennifer C. Chapman, at (202) 357-6358.  
IT IS SO ORDERED.

s/Christian J. Moran

Christian J. Moran  
Special Master