

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

[Date Document Filed]

PETITIONER'S NAME,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Respondent.

Case No. \_\_\_\_ - \_\_\_\_ V

Special Master Name \_\_\_\_\_

## PETITIONER'S MOTION FOR A DECISION DISMISSING HIS PETITION

The petitioner, [Petitioner name] respectfully moves for a decision by the Special Master dismissing his case. The grounds for this motion are:

1. An investigation of the facts and science supporting his case has demonstrated to petitioner that he will be unable to prove that he is entitled to compensation in the Vaccine Program.
2. In these circumstances, to proceed further would be unreasonable and would waste the resources of the Court, the respondent, and the Vaccine Program.
3. Petitioner understands that a decision by the Special Master dismissing his petition will result in a judgment against him. He has been advised that such a judgment will end all of his rights in the Vaccine Program.
4. Petitioner understands that he may apply for costs once his case is dismissed and judgment is entered against him. Petitioner's counsel has contacted

respondent's counsel regarding respondent's position on this motion and understands that respondent expressly reserves the right, pursuant to 42 U.S.C. § 300aa-15(e), to question the good faith and reasonable basis of his claim and to oppose, if appropriate, his application for costs. Respondent otherwise does not oppose this motion.

5. Petitioner does intend to protect his rights to file a civil action in the future. Therefore, pursuant to 42 U.S.C. § 300aa-21(a)(2), he intends to elect to reject the Vaccine Program judgment against him and elect to file a civil action.

**Signature**

Attorney of Record for Petitioner

Firm Name

Address

City, State, Zip code

Phone number

Facsimile number

Email Address

**[Insert Certificate of Service]**