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## City couple awarded \$4.5 M in DPT suit

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Era Staff Writer

The U.S. Claims Court has awarded a Bradford couple more than \$4.5 million in compensation for damage caused to their 3½-year-old son by routine vaccinations.

David and Collen Nuzzo of 173 Williams St. will receive the award under the National Vaccine Injury Compensation Program for rehabilitation and care of their son, Andrew Nuzzo, who will be 4 years old in June.

The damages for Andrew were approved April 12 by Special Master Bryan J. Bernstein of the U.S. Claims Court in Washington D.C.

"I wish it never would have come to this, but I'm glad there's a compensation act for people this happens

to and the fact that it works," Mrs. Nuzzo commented concerning the award, believed to be the largest ever given under the national compensation program.

Andrew, who suffers from chronic seizures and is in need of around-the-clock care, in 1986 was given two DPT shots, part of routine immunization for children to protect against diphtheria, pertussis (whooping cough), and tetanus. In a limited number of cases, such as Andrew's, the vaccine causes brain damage, resulting in shock, convulsions and even death.

The Centers for Disease Control in Atlanta estimate one in 310,000 DPT vaccinations results in permanent brain damage.

The government estimates that about 18 million DPT doses are

given each year, including three shots the first year for 3.5 million newborns and two boosters, one at 18 months and another just before the child enters kindergarten.

The Nuzzos' attorney, Kenneth Moll of the Chicago, Ill., firm of McDowell and Colantoni, said the problem with the DPT shot is that the whole cell vaccination contains an endotoxin, or poison, which causes damage in some children. "It's just pertussis were concerned about," he said, concerning the problem component.

He noted that there is a proven, safer, acellular vaccine manufactured in Japan which is not yet available in the United States. The DPT is approved by the Federal Drug Administration, he said.

Moll, who successfully repre-

sented couples in two other cases for claims under the National Vaccine Injury Compensation Program, said the program was authorized by Congress in 1986 to compensate children crippled by inoculations or the families of those killed by the shots.

He explained that Congress set up the program, which became effective October 1988, because it was feared the few remaining vaccine manufacturers in the country would stop production if suits were filed against them.

A trust fund for the program has been built up through a surcharge on eight vaccines, including the DPT as well as those against mumps, measles, rubella, and polio, he reported.

Andrew suffers 100 to 2,000 seizures a day and he often goes into a trance that can be triggered by expo-

sure to light or by seeing patterns on clothing or a wall, his mother said.

The Nuzzos keep their windows blacked out with blinds and poster board and cannot let Andrew outside during the day. He must wear dark glasses all the time and often wears a

helmet to protect his head from injury when he suffers a seizure.

The interior walls of the Nuzzos' home are painted a flat color and Mrs. Nuzzo said she and her husband, David, and their 6-year-old daughter, Sara, wear no patterned clothing.

The injury left Andrew developmentally disabled. He knows only a few simple words and cannot talk in complete sentences.

The award was based on estimates that Andrew's medical and non-med-

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## Suit

ical expenses will cost about \$67,000 a year as a child and about \$102,000 a year as an adult.

While chances are slim of Andrew's recovering from the damages he received from the vaccinations, the Nuzzos welcome the money they will receive for therapy and any other help they can give their son.

"We'll probably have to customize Andrew's surroundings so there is less seizure material," said Andrew's father. "He'll require more therapy — physical therapy, equipment — We're going to get everything so he's all set, so he lacks nothing. But we'd trade it all for the health of our child."

Nuzzo noted that when Andrew received the shots, it seemed like a routine procedure. "It's just something everybody would just do; you take it for granted you get your shot and go home. Our daughter had it and is fine — It's sad it has to happen to anyone's child."

Nuzzo said while he and his wife would have preferred to quietly receive the award, they felt families of other damaged children might be helped by knowledge of the compensation program.

"That's the reason we kind of agreed to the publicity, as a benefit to those who might not be aware of it," he explained. "Maybe this will bring attention to the whole thing, maybe prevent more kids from having these troubles."

Moll noted that while the statute of limitations formerly ran out on older cases, since the compensation act was passed effective October 1988, all injured parties have until October of this year to seek compensation under the act.