

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-552V

Filed: January 16, 2013

██████████ as personal
representative of the Estate of ██████████
██████████,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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NOT TO BE PUBLISHED

Special Master Zane

Stipulation; Flu Vaccine;
Guillain-Barre Syndrome (“GBS”);
Transverse Myelitis (“TM”); Death

Diana Lynn Stadelnikas, Maglio Christopher and Toale, PA, Sarasota, FL, for Petitioner
Lisa Ann Watts, United States Dep’t of Justice, Washington, DC, for Respondent

UNPUBLISHED DECISION¹

On January 11, 2013, the parties in the above-captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of compensation in this case. Petitioner, as the legal representative of the estate of decedent, ██████████, alleged that decedent, had a pre-existing case of Guillain-Barre syndrome (“GBS”), which was significantly aggravated by his receipt of the influenza vaccine (“flu vaccine”), causing him additional neurologic injuries, to include transverse myelitis (“TM”). Decedent, Mr. ██████████ received the flu vaccine, which is contained in the Vaccine Injury Table, 42 C.F.R § 100.3(a), on

¹ The special master intends to post this decision on the website of the United States Court of Federal Claims in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. As provided by Vaccine Rule 18(b), each party has 14 days to file a motion requesting the redaction from this decision of any such alleged material. In the absence of a timely request, which includes a proposed redacted decision, the entire document will be made publicly available.

December 5, 2006. Petitioner also alleges that the additional injuries caused by the receipt of the flu vaccine were substantial factors of [REDACTED] death.

Petitioner represents that there have been no prior awards or settlement of a civil action for these damages. Petitioner seeks compensation related to decedent's injuries pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10 to 34.

Respondent denies that the flu vaccine significantly aggravated [REDACTED] GBS, and/or was a substantial factor in the cause of his death. Nonetheless, the parties have agreed informally to resolve this matter. Stipulation, Appendix A hereto.

The undersigned hereby ADOPTS the parties' said Stipulation, attached hereto as Appendix A, and awards compensation in the amount and on the terms set forth therein. Specifically, Petitioner is awarded:

**a lump sum of \$200,000.00, in the form of a check payable to [REDACTED]
[REDACTED], as personal representative of the Estate of [REDACTED].**
This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

The Court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

s/Daria J. Zane
Daria J. Zane
Special Master

² This document constitutes a final "decision" in this case pursuant to 42 U.S.C. § 300aa-12(d)(3)(A). Unless a motion for review of this decision is filed within 30 days, the Clerk of the Court shall enter judgment in accordance with this decision. Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.