

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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[REDACTED],
Petitioner,
v.
SECRETARY OF HEALTH
AND HUMAN SERVICES,
Respondent.
* * * * *

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* No. 13-93V
* Special Master Christian J. Moran
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* Filed: December 18, 2014
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* Stipulation; influenza (“flu”) vaccine;
* Guillain-Barré syndrome (“GBS”).
*

Danielle A. Strait, Maglio, Christopher & Toale, Washington, DC, for Petitioner;
Michael P. Milmo, U.S. Dep’t of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On December 17, 2014, the parties filed a joint stipulation concerning the petition for compensation filed by [REDACTED] on February 1, 2013. In her petition, petitioner alleged that the influenza vaccine, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), and which she received on September 6, 2011, caused her to suffer Guillain-Barré Syndrome (“GBS”). Petitioner further alleges that she suffered the residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition.

Respondent denies that the influenza vaccine caused petitioner to suffer GBS or any other injury.

¹ 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.

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 10,596.52, which amount represents the reimbursement of a Commonwealth of Pennsylvania Medicaid lien, in the form of check payable jointly to petitioner, and

**Pennsylvania Department of Public Welfare
Bureau of Program Integrity
Division of Third Party Liability
Recovery Section
P.O. Box 8486
Harrisburg, PA 17105-8486
Attn: Susan E. Naylor**

Petitioner agrees to endorse this check to the appropriate State agency.

B. a lump sum payment of \$110,000.00 in the form of a check payable to [REDACTED]. 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 13-93V according to this decision and the attached stipulation.²

Any questions may be directed to my law clerk, Christina Gervasi, at (202) 357-6521.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² 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.