

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
E-Filed: August 10, 2012

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

* UNPUBLISHED
*
* No. 9-744V
*
* Chief Special Master
* Campbell-Smith
*
* Joint Stipulation on Damages;
* Hepatitis B Vaccine; Trivalent
* Influenza (“Flu”) Vaccine;
* Neuralgias
*

Anne C. Toale, Maglio, Christopher & Toale, P.A., Sarasota, FL, for petitioner.
Voris E. Johnson, U.S. Dep’t of Justice, Washington, DC, for respondent.

DECISION¹

On October 30, 2009, [REDACTED] (“petitioner”) filed a petition seeking compensation under the National Vaccine Injury Compensation Program (“Vaccine Program”).²

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, “the entire” decision will be available to the public. Id.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (“Vaccine Act” or “Act”). All citations in this decision to individual sections of the Act are to 42 U.S.C.A. § 300aa.

Petitioner alleges that as a result of the administration of hepatitis B vaccines on February 12, 2008, September 3, 2008, and October 3, 2008, as well as a trivalent influenza (“flu”) vaccine on October 23, 2008, he thereafter suffered an adverse reaction resulting in neuralgias, and the residual effects of his injury for more than six months.

Respondent denies that either the hepatitis B vaccine or the flu vaccine caused petitioner’s alleged adverse reaction and residual effects. Stip. at ¶ 6.

Nevertheless, on August 10, 2012, counsel for the parties filed a joint stipulation, which is attached to this decision, stating that a decision should be entered awarding compensation. The parties stipulated that petitioner should receive the following compensation payment:

A lump sum payment of \$100,000.00, in the form of a check payable to petitioner.

This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).³ Stip. at ¶ 8.

The undersigned finds the stipulation reasonable, adopts it as the decision of the court on damages, and approves the requested amount for petitioner’s compensation.

Accordingly, an award should be made in the form of a check payable to petitioner in the amount of **\$100,000.00**. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties’ stipulation.⁴

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia Campbell-Smith
Chief Special Master

³ The parties further stipulated that they had not yet reached an agreement with respect to attorneys’ fees and costs. Stip. at ¶ 9.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of notice renouncing the right to seek review.