

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-802V

(E-Filed: March 22, 2013)

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██████████,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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* UNPUBLISHED

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* Special Master

* Hamilton-Fieldman

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* Influenza (Flu) vaccine; Myelopathy;

* Frozen Shoulder Syndrome; Damages;

* Stipulation.

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Dianna Lynn Stadelnikas, Sarasota, FL, for Petitioner

Ann Donohue Martin, Washington, DC, for Respondent

DECISION AWARDING DAMAGES¹

On November 17, 2010, Petitioner, ██████████, filed a petition seeking compensation under the National Vaccine Injury Compensation Program (“the Vaccine Program”). Petitioner alleged that he suffered an acute onset of weakness, characterized as myelopathy of the left arm and shoulder, and subsequent “frozen shoulder” syndrome,

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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). 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.

as a result of receiving an influenza (flu) vaccine on October 15, 2008.²

Respondent denies that Petitioner's influenza vaccine caused an anterior myelopathy of the left arm and shoulder, frozen shoulder syndrome, and/or any other injury, and denies that Petitioner experienced the residual effects of any vaccine-related injury for more than six months. Nonetheless, both parties, while maintaining their above stated positions, agreed in a Stipulation, filed March 20, 2013, ("Stipulation") that the issues before them can be settled and that a decision should be entered awarding Petitioner compensation.

The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

The stipulation awards:

- 1) A lump sum of \$82,500.00 in the form of a check payable to Petitioner.

The above amounts represent compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a). Stipulation ¶ 8.

The undersigned approves the requested amount for Petitioner's compensation. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.³

IT IS SO ORDERED.

s/Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master

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.A. § 300aa-10-§ 300aa-34 (West 1991 & Supp. 2002) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.