

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

No.10-834V

Filed: October 8, 2014

██████████,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Damages Decision Based on
Stipulation; Influenza Vaccine;
Transverse Myelitis, Guillain-Barre
Syndrome.

Diana S. Sedar, Maglio Christopher and Toale, PA, for petitioner.
Althea W. Davis, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Vowell, Chief Special Master:

On December 6, 2010, ██████████ filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10, *et seq.*² [the "Vaccine Act" or "Program"], alleging that she suffered from Transverse Myelitis/ Guillain-Barre Syndrome, as a result of the influenza vaccine she received on October 2, 2009.

On September 29, 2014, respondent filed a stipulation on award of compensation ("Stipulation") detailing compensation for life care items, lost future earnings, pain and suffering, and past unreimbursed expenses. According to respondent's Stipulation, petitioner agrees to the proposed award of compensation. Pursuant to the terms stated in the attached Stipulation, I **award petitioner:**

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

1. **A lump sum payment of \$856,295.72 in the form of a check payable to petitioner, [REDACTED],** representing \$233,295.72 for first year life care plan expenses; \$23,000.00 for past unreimbursable expenses; \$200,000.00 for past and future pain and suffering; and \$400,000.00 for past and future lost wages); and
2. An amount sufficient to purchase an annuity contract described in paragraph 10 of the attached Stipulation.

These amounts represent compensation for all damages that would be available under § 300aa-15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.