

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

(Filed: February 12, 2013)

_____)	
)	No. 11-0662V
Petitioner,)	
)	Joint Stipulation on
v.)	Damages; Influenza
)	Vaccine; Guillain-
SECRETARY OF THE DEPARTMENT)	Barre Syndrome
OF HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

Diana Stadelnikas, Sarasota, FL, for petitioner.

Jennifer Reynaud, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On October 12, 2011, petitioner, _____, filed a petition seeking compensation under the National Vaccine Injury Compensation Program (“the Vaccine Program”) for a vaccine-related injury.²

¹ The undersigned 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, § 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 file a motion for redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). In the absence of such motion, “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.A. § 300aa-10-§ 300aa-34 (2006) (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.

On February 12, 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, [REDACTED], alleged he suffered Guillain-Barre Syndrome (“GBS”), as a consequence of his receipt of the influenza vaccination, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. § 100.3(a). [REDACTED] further alleges that he experienced the residual effects of this injury for more than six months and he seeks damages related to this injury pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10 to 34.

Respondent denies that petitioner’s alleged injury and residual effects were caused-in-fact by the influenza vaccine. Nonetheless, the parties have agreed informally to resolve this matter.

The court 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:

1. A lump sum payment of \$60,000.00, representing compensation for past unreimbursable expenses, payable to petitioner. 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 of the court is directed to enter judgment herewith.³

IT IS SO ORDERED.

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

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.