

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

(E-Filed: October 21, 2013)

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The Estate of [REDACTED]
Decedent, by and through,
[REDACTED] as Personal
Representative
Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

* * * * *

* No. 11-144V
*
* Special Master
* Hamilton-Fieldman
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* Stipulation; Influenza Vaccine;
* Guillain-Barré Syndrome; Death
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Isaiah Richard Kalinowski, Washington, DC, for Petitioner

Linda Sara Renzi, Washington, DC, for Respondent

DECISION¹

On March 8, 2011, [REDACTED], filed a petition for compensation alleging that he suffered certain injuries as a result of receiving a vaccination. Upon [REDACTED] death, [REDACTED], was substituted as Petitioner. Among the injuries Petitioner alleged that Mr. Green suffered as a result of receiving a trivalent influenza vaccination was Guillain-Barré syndrome. He sought an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program² (the Act or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2006).

¹ 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)), requires that the court post this decision on its website. In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, the undersigned agrees that the identified material fits within the requirements of that provision, the undersigned will delete such material from public access.

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 the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

Respondent denies that the flu vaccine cause [REDACTED] GBS, or any other injury, including his death.

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.

On October 18, 2013, counsel for both parties filed a stipulation, stating that a decision should be entered awarding compensation. The parties stipulated that the Secretary of Health and Human Services will issue the following vaccine compensation payments:

- (a) A lump sum of \$ 126,000.00 in the form of a check payable jointly to Petitioner and to:**

**Minnesota Department of Human Services
P.O. Box 64994
St. Paul, Minnesota 55164-0994
Reference No. 01214309**

Petitioner agrees to endorse this check to the Minnesota Department of Human Services; and,

- (b) A lump sum of \$169,000.00 in the form of a check payable to Petitioner, [REDACTED] This amount represents compensation for all remaining damages that would be available under 42 U.S.C. §300aa-15(a).**

Stipulation ¶ 8(a) and (b).

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.³

IT IS SO ORDERED.

s/Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
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.