

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-604V

Filed: March 1, 2013

* * * * *

[REDACTED]

* NOT TO BE PUBLISHED

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Petitioner,

*

v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

* Stipulation; Chronic Inflammatory
Demyelinating Polyradiculoneuropathy
("CIDP"); Influenza Vaccine;
* Tetanus-Diphtheria-acellular Pertussis
* ("Tdap") Vaccine

Respondent.

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*Isaiah Kalinowski, Maglio, Christopher, and Taole, Sarasota, FL, for Petitioner.
Michael Milmoe, United States Dep't of Justice, Washington, DC, for Respondent.*

DECISION¹

ZANE, Special Master.

On March 1, 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], alleges that she suffered chronic inflammatory demyelinating polyradiculoneuropathy ("CIDP") that was caused-in-fact by her receipt of Tetanus-Diphtheria-acellular Pertussis ("Tdap") and influenza ("flu") vaccines received on October 1, 2008, vaccines that are contained in the Vaccine Injury Table, 42 C.F.R § 100.3(a). [REDACTED] also alleges that

¹ Because this decision contains a reasoned explanation for the Special Master's action in this case, the Special Master intends to post it 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, 113 Stat. 2899, 2913 (Dec. 17, 2002). All decisions of the Special Master will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to redact such information before the document's disclosure. If the Special Master, upon review, agrees that the identified material fits within the banned categories listed above, the Special Master shall redact such material from public access. 42 U.S.C. § 300aa-12 (d) (4); Vaccine Rule 18 (b).

she experienced the residual effects of this injury for more than six months and that she has not otherwise received compensation for such injuries. Petitioner seeks compensation related to her injuries pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-10 to 34.

Respondent denies that the vaccines caused Petitioner's CIDP or any other injury or her current disabilities. Nonetheless, the parties have agreed informally to resolve this matter. Stipulation, Appendix A hereto.

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:

a lump sum of \$125,000.00, 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).

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

s/Daria J. Zane
Daria J. Zane
Special Master

² This document constitutes a final “decision” in this case pursuant to 42 U.S.C. § 300aa-12(d)(3)(A). Unless a motion for review of this decision is filed within 30 days, the Clerk of the Court shall enter judgment in accordance with this decision. Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.