

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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██████████,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 12-416V

Special Master Christian J. Moran

Filed: May 14, 2013

Stipulation; influenza (flu) vaccine;  
Guillain-Barré Syndrome (GBS);  
attorneys' fees and costs

Anne C. Toale, Maglio Christopher & Toale, Sarasota, FL, for petitioner;  
Gordon E. Shemin, United States Department of Justice, Washington, DC, for respondent.

### UNPUBLISHED DECISION<sup>1</sup>

On May 14, 2013, the parties filed a stipulation concerning the petition for compensation filed by ██████████. In her petition, ██████████ alleges that the influenza (“flu”) vaccine, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), and which she received on December 7, 2011, caused her to develop Guillain-Barré syndrome (“GBS”). Petitioner further alleges that she experienced residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition.

Respondent denies that the flu vaccine caused petitioner’s alleged GBS, and/or any other injury.

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 and attorneys’ fees and costs, on the terms set forth therein.

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Compensation awarded in that stipulation includes:

- A. A lump sum payment of \$110,000.00 in the form of a check payable to petitioner, [REDACTED]. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a); and**
- B. A lump sum of \$13,253.00 in the form of a check payable jointly to petitioner and petitioner's attorney, Anne Carrión Toale, for attorneys' fees and costs available under 42 U.S.C. §300aa-15(e), and, in compliance with General Order #9, petitioner incurred no out-of-pocket expenses in proceeding on the petition.**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 12-416V according to this decision and the attached stipulation.<sup>2</sup>

Any questions may be directed to my law clerk, Tucker McCarthy, at (202) 357-6392.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> 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.