

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

██████████,
Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,
Respondent.

* No. 13-436V
* Special Master Moran
*
* Filed: March 26, 2015
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* Stipulation; influenza (“flu”) vaccine;
* brachial neuritis; inflammatory
* polyarthritis, inflammatory reactive
* tissue in and around the rotator cuff;
* inflammatory tendinitis.

John Caldwell, Jr., Maglio, Christopher & Toale, PA, Sarasota, FL, for Petitioner;
Traci Patton, United States Dep’t of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On March 23, 2015, respondent filed a joint stipulation concerning the petition for compensation filed by ██████████ on June 28, 2013. In her petition, ██████████ alleged 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 or about September 14, 2012, caused her to suffer brachial neuritis, inflammatory polyarthritis, inflammatory reactive tissue in and around the rotator cuff, leading to surgery for treatment of that issue, and an inflammatory tendinitis. Petitioner represents that there has been no prior award or settlement of a civil action for damages as a result of her condition.

Respondent concedes that petitioner suffered a left shoulder injury related to vaccine administration (“SIRVA”), that she experienced the residual effects of this injury for more than six months, and that there is not a preponderance of evidence demonstrating that petitioner’s SIRVA is due to a factor unrelated to vaccination.

¹ 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 party has 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.

Respondent denies that the vaccine caused petitioner to suffer any injury or condition other than SIRVA and denies that the vaccine caused the significant aggravation of any pre-existing injury, including but not limited to petitioner's alleged inflammatory polyarthritis.

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.

Damages awarded in that stipulation include:

A lump sum of \$120,000.00 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).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 13-436V according to this decision and the attached stipulation.²

Any questions may be directed to my law clerk, Christina Gervasi, at (202) 357-6360.

IT IS SO ORDERED.

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

² 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.