

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-561V

Filed: February 12, 2015

* * * * *
██████████
Petitioner,
v.
SECRETARY OF HEALTH
AND HUMAN SERVICES,
Respondent.
* * * * *

UNPUBLISHED
Special Master Gowen
Joint Stipulation on Damages;
Influenza (“Flu”) Vaccine;
Guillian-Barré Syndrome

Danielle A. Strait, Maglio Christopher & Toale, PA, Washington, D.C., for petitioner.
Claudia B. Gangi, United States Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

On August 8, 2013, ██████████ (“petitioner”) filed a petition pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that as a result of receiving an influenza (“flu”) vaccine on November 7, 2011, he developed Guillain-Barré Syndrome (“GBS”). Stipulation ¶ 2, 4, filed Feb. 10, 2015. Further, petitioner alleged that he experienced residual effects of his injury for more than six months. Petition at ¶ 6.

On February 10, 2015, the parties filed a stipulation in which they state that a decision

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this ruling 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 request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b).

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.

should be entered awarding compensation. Respondent denies that the flu vaccination caused petitioner's GBS or any other injury, or his current condition. Stipulation at ¶ 6. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds the stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

The parties stipulate that petitioner shall receive the following compensation:

a. A lump sum of \$300.12 in the form of a check payable to the

**Louisiana Department of Health and Hospitals/Medicaid,
P.O. Box 3836,
Baton Rouge, LA 70821-3836
Attention: Daniel L. Duhon**

Petitioner agrees to endorse this payment to the State of Louisiana. This amount represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the State of Louisiana has made to or on behalf of [REDACTED] from the date of his eligibility for benefits through the date of judgment in this case as a result of his alleged vaccine-related injury suffered on or about December 16, 2011, under Title XIX of the Social Security Act; and

b. A lump sum of \$131,464.23, in the form of a check payable to petitioner, Jimmy Tillman. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

Stipulation at ¶ 8.

The undersigned approves the requested amount for petitioner's compensation. Accordingly, an award should be made consistent with the stipulation.

The clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/ Thomas L. Gowen

Thomas L. Gowen
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.