

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-714V

Filed: August 17, 2015

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UNPUBLISHED

[REDACTED]

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Special Master Hamilton-Fieldman

Petitioner,

*

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Joint Stipulation on Damages;
Influenza (“flu”) vaccine;
Demyelinating Injury; Guillain-
Barré syndrome (“GBS”).

*

Respondent.

*

* * * * *

Danielle Anne Strait, Maglio, Christopher and Toale, PA, Washington, D.C., for Petitioner.
Claudia Barnes Gangi, United States Department of Justice, Washington, D.C., for Respondent.

DECISION¹

On September 23, 2013, [REDACTED] (“Petitioner”) filed a petition pursuant to the National Vaccine Injury Compensation Program. 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that an influenza (“flu”) vaccination administered on November 10, 2011 caused [REDACTED] to suffer from a demyelinating injury.³

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.

³ Although the petition did not identify Guillain-Barré syndrome (“GBS”) as Petitioner’s alleged injury, Petitioner ultimately proceeded on that theory. *See, e.g.*, Order, filed November 15, 2013, at 1. The attached Stipulation lists GBS as the alleged injury.

On August 14, 2015, the parties filed a stipulation in which they state that a decision should be entered awarding compensation. Respondent denies that the flu vaccine caused Petitioner's alleged GBS, any other injury, or his current disabilities. However, 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 lump sum of \$280,000.00 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).

Stipulation ¶ 8.

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

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.⁴

IT IS SO ORDERED.

s/ Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.