

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-773V

Filed: March 23, 2015

Unpublished

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[REDACTED]

Petitioner,

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Joint Stipulation on Damages;  
Tetanus-Diphtheria-acellular Pertussis  
(Tdap) Vaccine; Shoulder Injury Related  
to Vaccine Administration (SIRVA);  
Special Processing Unit

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*Alison Haskins, Esq., Maglio Christopher & Toale, PA, Sarasota, FL, for petitioner.  
Lisa Watts, Esq., US Department of Justice, Washington, DC, for respondent.*

**DECISION ON JOINT STIPULATION<sup>1</sup>**

**Vowell**, Chief Special Master:

On August 25, 2014, [REDACTED] filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> [the “Vaccine Act” or “Program”]. Petitioner alleges that she suffered a shoulder injury to include rotator cuff tendonitis and adhesive capsulitis resulting from the tetanus-diphtheria-acellular pertussis [“Tdap”] vaccine she received on October 28, 2011. Petition at 1-2; Stipulation, filed Mar. 23, 2015, ¶ 4. Petitioner further alleges that she experienced the residual effects of her injury for more than six months, has filed no other action for this injury, and has received no prior award or settlement. Petition at 2-3; Stipulation ¶¶ 4-5. “Respondent denies that the Tdap vaccine caused petitioner’s left shoulder injuries, or any other injury, and further denies that petitioner’s current disabilities including brachial plexopathy, are sequelae of a vaccine-related injury.” Stipulation, ¶ 6.

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims' website, in accordance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)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

Nevertheless, the parties have agreed to settle the case. Stipulation, ¶ 7. On March 23, 2015, the parties filed a joint stipulation agreeing to settle this case and describing the settlement terms.

Respondent agrees to pay petitioner a lump sum of **\$180,000.00** in the form of a check payable to petitioner. Stipulation, ¶ 8. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a). *Id.*

I adopt the parties' stipulation attached hereto, and award compensation in the amount and on the terms set forth therein. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**s/Denise K. Vowell**  
Denise K. Vowell  
Chief Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.