

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-52V

Filed: August 4, 2016

[REDACTED]

[REDACTED],

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Joint Stipulation on Damages;
Influenza (“Flu”); Tetanus, Diphtheria
Pertussis (“Tdap”); Guillain-Barre
Syndrome; Special Processing
Unit (“SPU”)

Maximillian Muller, Muller Brazil, LLP, Dresher, PA, for petitioner.

Sarah Duncan, U.S. Department of Justice, Washington, DC, for respondent.

DECISION

[REDACTED]

Dorsey, Chief Special Master:

On January 20, 2015, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that [REDACTED] suffered from Guillain-Barre syndrome following a Tetanus, Diphtheria, Pertussis (“Tdap”) vaccine on October 17, 2013 and an influenza (“flu”) vaccine on October 18, 2013. Petition at 1; Stipulation, filed July 26, 2016, at ¶¶ 2, 4. Petitioner further alleges the vaccinations were administered within the United States, [REDACTED] has experienced the residual effects of this injury for more than six months, and there has been no prior award or settlement of a civil action for damages on [REDACTED] behalf as a result of his condition. Petition at 3; Stipulation at ¶¶ 3-5. “Respondent denies that the Tdap and flu vaccines caused petitioner to suffer from GBS or any other injury or [REDACTED] current condition.” Stipulation at ¶ 6.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). 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, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² 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 (2012).

Nevertheless, on July 26, 2016, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. 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 \$268,214.99, which amount represents compensation for first year life care expenses (\$66,539.28) and pain and suffering (\$201,675.71) in the form of a check payable to petitioner (Stipulation at ¶ 8); and**
- **An amount sufficient to purchase the annuity contract described in the Stipulation ¶ 10.**

These amounts represent all remaining elements of compensation to which [REDACTED] would be entitled under § 300aa-15(a).

The undersigned approves the requested amount for petitioner's compensation. 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.³

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.