

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-500V

Filed: May 30, 2014

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UNPUBLISHED

[Redacted]

Petitioner,

Special Master Dorsey

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Joint Stipulation on Damages;
Influenza (“Flu”) Vaccination;
Chronic Inflammatory
Demyelinating Polyneuropathy
 (“CIDP”).

Respondent.

* * * * *

F. John Caldwell, Maglio, Christopher & Toale, PA, Sarasota, FL, for petitioner.
Justine E. Daigneault, United States Department of Justice, Washington, D.C., for respondent.

DECISION¹

On August 2, 2010, [Redacted] (“petitioner”) filed a petition pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-1 to -34 (2006). [Redacted] alleged that she received an influenza vaccination on November 10, 2007, and that she thereafter suffered from Chronic Inflammatory Demyelinating Polyneuropathy (“CIDP”) which was caused in fact by the vaccination. Petition at 1, 3.

On May 28, 2014, the parties filed a stipulation in which they agree that a decision should be entered awarding compensation.

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.

Respondent denies that the influenza immunization caused petitioner to suffer from CIDP or any other injury or ■ current condition. 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 stipulated that petitioner shall receive the following compensation:

A lump sum payment of \$100,000.00 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.³

IT IS SO ORDERED.

s/ Nora Beth Dorsey
Nora Beth Dorsey
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.