

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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 [REDACTED],  
 Petitioner,  
 v.  
 SECRETARY OF HEALTH  
 AND HUMAN SERVICES,  
 Respondent.  
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\*  
 \* No. 11-027V  
 \* Special Master Christian J. Moran  
 \*  
 \* Filed: April 16, 2013  
 \*  
 \* Stipulation; influenza (flu) vaccine;  
 \* Guillain-Barré syndrome (GBS)  
 \*  
 \*

### UNPUBLISHED DECISION<sup>1</sup>

Diana L. Stadelnikas, Maglio Christopher and Toale, Sarasota, FL, for Petitioner;  
Jennifer L. Reynaud, U.S. Department of Justice, Washington, D.C., for Respondent.

On April 11, 2013, respondent filed a joint stipulation concerning the petition for compensation filed by [REDACTED] on January 7, 2011. In her petition, petitioner alleged that the influenza (“flu”) vaccine, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), and which she received on September 18, 2009, caused her to suffer Guillain-Barré Syndrome (“GBS”). Petitioner further alleges that she experienced the residual effects of her injuries for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages as a result of her condition.

Respondent denies that petitioner’s alleged GBS and residual effects were caused-in-fact by the flu vaccine. Respondent further denies that the flu vaccine caused petitioner any other injury or her current condition.

Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Damages awarded in that stipulation include:

**A lump sum payment of \$145,000.00 in the form of a check payable to [REDACTED], petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 11-027V according to this decision and the attached stipulation.<sup>2</sup>

Any questions may be directed to my law clerk, Jay All, at (202) 357-6353.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.