

IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS

No. 11-553V

Filed: April 15, 2014

(Not to be published)

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[REDACTED],

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Stipulation; GBS; Flu

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*Franklin John Caldwell, Jr., Esq.*, Maglio, Christopher & Toale, Sarasota, FL for petitioner.  
*Lisa Watts, Esq.*, U.S. Department of Justice, Washington, DC for respondent.

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

**Gowen**, Special Master:

[REDACTED] ["petitioner"] filed a petition for compensation under the National Vaccine Injury Compensation Program<sup>2</sup> on August 31, 2011. Petitioner alleges that he suffered Guillain-Barre Syndrome ["GBS"] that was caused in fact by a flu vaccination he received on September 25, 2009. See Stipulation, filed Apr. 15, 2014, at ¶¶ 2, 4. Further, petitioner alleges that he experienced residual effects of his injuries for more than six months. *Id.* Respondent denies that the flu vaccine caused petitioner's alleged GBS, or any other injury, and further denies that petitioner's current disabilities are sequelae of a vaccine-related injury. Stipulation at ¶ 6.

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete 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. On April 15, 2014, the parties filed a joint stipulation agreeing to settle this case and describing the settlement terms.

Respondent agrees to pay petitioner:

- a. **A lump sum of \$160,718.00 in the form of a check payable to petitioner, [REDACTED].** This amount represents compensation for all damages that would be available under § 300aa-15(a); and
- b. **A lump sum of \$39,408.42 in the form of a check payable jointly to petitioner and petitioner's attorney, F. John Caldwell, Jr., for attorneys' fees and costs** available under § 300aa-15(e); and, in compliance with General Order #9, no out-of-pocket expenses were incurred by petitioner in proceeding on the petition.

The special master adopts the parties' stipulation attached hereto, and awards compensation in the amount and on the terms set forth therein. The clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/ Thomas L. Gowen**  
**Thomas L. Gowen**  
Special Master

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