

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 11-899V
(Not to be published)

The estate of [REDACTED],
decendent, by and through MARCEY A.
BLANKENSHIP as personal representative,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Filed: October 31, 2014

Decision by Stipulation; Damages;
Influenza ("Flu") Vaccine;
Guillain-Barre Syndrome ("GBS").

Isaiah R. Kalinowski, Maglio Christopher and Toale , PA (DC), for Petitioner.

Traci R. Patton, U.S. Dep't of Justice, Washington, D.C., for Respondent.

DECISION AWARDING DAMAGES¹

On December 22, 2011, [REDACTED] filed a petition seeking compensation under the National Vaccine Injury Compensation Program.² [REDACTED], appeared later in the action as personal representative of [REDACTED], death. The Petitioner alleges that as a result of receiving the influenza ("flu") vaccine on or about February 2, 2012, [REDACTED] suffered from Guillain-Barre Syndrome ("GBS"), and that she

¹ Because this ruling contains a reasoned explanation for my action in this case, it will be posted 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 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the inclusion of certain kinds of confidential information. To do so, Vaccine Rule 18(b) provides that 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). Otherwise, the ruling will be available to the public. *Id.*

² The National Vaccine Injury Compensation Program comprises 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.A. § 300aa-10 – 34 (2006)) [hereinafter "Vaccine Act" or "the Act"]. Individual sections references hereafter will be to § 300aa of the Act.

experienced the effects of this injury for more than six months.

Respondent denies that the flu vaccine caused [REDACTED] alleged GBS, any other injury, or her death. Nonetheless both parties, while maintaining their above-stated positions, agreed in a stipulation (filed October 29, 2014) that the issues before them can be settled and that a decision should be entered awarding Petitioner compensation.

I have reviewed the file, and based upon that review, I conclude that the parties' stipulation (as attached hereto) is reasonable. I therefore adopt it as my decision in awarding damages on the terms set forth therein.

The stipulation awards:

- A lump sum of \$325,000.00 in the form of a check payable to petitioner as legal representative of the Estate of [REDACTED].³

These amounts represent compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a). Stipulation ¶ 8.

I approve a Vaccine Program award in the requested amounts set forth above to be made to Petitioner. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.⁴

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

³ Petitioner represents that she presently is, or within 90 days of the date of judgment will become, duly authorized to serve as legal representative of the Estate of Margie D. Reineccius under the laws of the State of Arizona. No payments pursuant to this Stipulation, however, shall be made until petitioner provides the Secretary with documentation establishing her appointment as legal representative of the Estate of Margie D. Reineccius. If petitioner is not authorized by a court of competent jurisdiction to serve as legal representative of the Estate of Margie D. Reineccius at the time a payment pursuant to this Stipulation is to be made, any such payment shall be paid to the party or parties appointed by a court of competent jurisdiction to serve as legal representative of the Estate of Margie D. Reineccius upon submission of written documentation of such appointment to the Secretary.

⁴ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.