

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

██████████,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* No. 13-08V
* Special Master Christian J. Moran
*
* Filed: April 21, 2014
*
* Stipulation; Tetanus-diphtheria-
* acellular pertussis (“Tdap”) vaccine,
* Measles-mumps-rubella (“MMR”)
* vaccine, Guillain-Barre’ syndrome
* (“GBS”).

Danielle Strait, Maglio, Christopher & Toale, PA, Sarasota, FL, for Petitioner;
Ann Martin, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On April 17, 2014, respondent filed a joint stipulation concerning the petition for compensation filed by ██████████ ██████████ on January 4, 2013. In her petition, Ms. ██████████ alleged that the tetanus-diphtheria-acellular pertussis (“Tdap”) vaccine and or the measles-mumps-rubella (“MMR”) vaccine, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), and which she received on December 17, 2011, caused her to suffer Guillain-Barré Syndrome (“GBS”). Petitioner further alleges that she experienced the residual effects of this condition for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her injuries.

Respondent denies that petitioner’s Tdap and or MMR vaccines caused GBS or any other injury.

¹ 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 party has 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.

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.

Damages awarded in that stipulation include:

A lump sum of \$72,000.00 in the form of a check payable to petitioner, [REDACTED]. 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 13-08V according to this decision and the attached stipulation.²

Any questions may be directed to my law clerk, Marc Langston, at (202) 357-6392.

IT IS SO ORDERED.

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

² 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.