

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-134V

Filed: October 16, 2014

Not for Publication

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Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Damages decision based on stipulation;
influenza (flu) vaccine; Guillain-Barré
Syndrome (GBS)

Anne C. Toale, Sarasota, FL, for petitioner.
Traci R. Patton, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On October 16, 2014, the parties filed the attached stipulation in which they agreed to settle this case and described the settlement terms. Petitioner alleges that he suffered from Guillain-Barré Syndrome (“GBS”) that was caused by his receipt of influenza (“flu”) vaccine on October 17, 2011. He further alleges that he experienced the residual effects of this injury for more than six months. Respondent denies that the flu vaccine caused petitioner to suffer from GBS or any other injury and further denies that petitioner’s current disabilities are sequelae of a vaccine-related injury. Nonetheless, the parties agreed to resolve this matter informally.

¹ Because this unpublished decision contains a reasoned explanation for the special master’s action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to delete such information prior to the document’s disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

The undersigned finds the terms of the stipulation to be reasonable. The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards:

- a. a lump sum of **\$1,208,458.33**, representing compensation for first year life care expenses (\$311,644.01), lost earnings (\$612,303.45), pain and suffering (\$239,827.85), and past unreimbursable expenses (\$44,683.02). The award shall be in the form of a check for **\$1,208,458.33** made payable to petitioner;
- b. a lump sum of **\$72,437.18**, representing reimbursement of a Commonwealth of Massachusetts Medicaid lien. The award shall be in the form of a check for **\$72,437.18** made payable jointly to petitioner and

COMMONWEALTH OF MASSACHUSETTS – CRU
COMMONWEALTH OF MA
Casualty Recovery
P.O. Box 417811
Boston, MA 02241-7811
Attn: Stacey Alvarado

Petitioner agrees to endorse the check to the Commonwealth of Massachusetts – CRU;
and

- c. an amount sufficient to purchase the annuity contract described in paragraph 10 of the attached stipulation. The award shall be in the form of a check made payable to the life insurance company from which the annuity will be purchased.

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.²

IT IS SO ORDERED.

Dated: October 16, 2014

s/ Laura D. Millman
Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party, either separately or jointly, filing a notice renouncing the right to seek review.