

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

██████████,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* No. 13-199V
* Special Master Christian J. Moran
*
* Filed: April 9, 2014
*
* Stipulation; influenza ("flu") vaccine;
* Guillain-Barré Syndrome ("GBS").
*
*
*

Danielle A. Strait, Maglio, Christopher & Toale, PA, for Petitioner;
Claudia B. Gangi, U.S. Department of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION¹

On April 8, 2014, respondent filed a joint stipulation concerning the petition for compensation filed by ██████████ on March 19, 2013. 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 November 29, 2011, caused her to suffer Guillain-Barré Syndrome ("GBS"). Petitioner further represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition.

Respondent denies that the flu vaccine caused petitioner's alleged GBS, any other injury, or her current disabilities.

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 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.

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 and attorneys' fees and costs, on the terms set forth therein.

Damages and attorneys' fees and costs awarded in that stipulation include:

- a) **A lump sum of \$150,000.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-1 5(a);**
- b) **A lump sum of \$106.04 in the form of a check payable to petitioner, [REDACTED]. This amount represents compensation for out-of-pocket expenses incurred by petitioner in proceeding on the petition;**
- c) **A Jump sum of \$24,921.60 in the form of a check jointly payable to petitioner and petitioner's attorney, Danielle A. Strait, of the law firm Maglio Christopher & Toale, PA, for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e).**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 13-199V according to this decision and the attached stipulation.²

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.