

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-425V

Filed: November 12, 2014

\* \* \* \* \*
██████████
Petitioner,
v.
SECRETARY OF HEALTH
AND HUMAN SERVICES,
Respondent.
\* \* \* \* \*

UNPUBLISHED
Special Master Gowen
Joint Stipulation on Damages and
Attorneys' Fees and Costs
Influenza ("Flu") Vaccine;
Guillian-Barre Syndrome;

Diana Stadelnikas Sedar, Maglio Christopher & Toale, Sarasota, FL, for petitioner.
Debra Filteau Begley, United States Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION1

On June 26, 2013, ██████████ ("petitioner") filed a petition pursuant to the National Vaccine Injury Compensation Program.2 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that, as a result of receiving an influenza ("flu") vaccine on May 10, 2012, he developed Guillian-Barre Syndrome ("GBS"). Stipulation ¶ 2, 4, filed Nov. 10, 2014. Further, petitioner alleged that he experienced residual effects of his injury for more than six months. Id. at ¶ 4.

1 Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling 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 Vaccine Rule 18(b), 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).

2 The National Vaccine Injury Compensation Program is set forth in 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. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

On November 10, 2014, the parties filed a stipulation in which they state that a decision should be entered awarding compensation. Respondent denies that the flu vaccination caused petitioner's GBS or any other condition. Id. at ¶ 6. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds the stipulation reasonable and adopts it as the decision of the Court in awarding damages on the terms set forth therein.

The parties also stipulate to an award of attorneys' fees and costs in the joint stipulation filed on November 10, 2014. The parties agree to a total award of attorneys' fees and costs in the amount of \$20,000.00. In accordance with General Order #9, petitioner represents that he did not personally incur costs related to this proceeding. Id. at ¶ 8(b). The undersigned finds the stipulation for fees and costs reasonable and adopts it as the decision of the Court.

The parties stipulate that petitioner shall receive the following compensation:

**A lump sum of \$80,000.00, in the form of a check payable to petitioner, [REDACTED] and [REDACTED]**

**A lump sum of \$19,064.30, in the form of a check jointly payable to petitioner and**

**Agency for Health Care Administration  
C/O Heather Hall  
Xerox Recovery Services  
P.O. Box 12188  
Tallahassee, FL 32317-2188**

Petitioner agrees to endorse this payment to the Agency for Health Care Administration. Id. at ¶ 8(c). **These amounts represent compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

**A lump sum of \$20,000.00, in the form of a check jointly payable to petitioner and to petitioner's attorney, Diana L. Seder, of Maglio Christopher & Toale pursuant to 42 U.S.C. § 300 aa-15(e), for attorneys' fees and costs.**

Id. at ¶ 8.

The undersigned approves the requested amounts for petitioner's compensation and attorneys' fees and costs. Accordingly, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.<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 is expedited by the parties' joint filing of notice renouncing the right to seek review.