

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-1087V

Filed: July 13, 2015

[Redacted]

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Stipulation; Influenza;
Shoulder Injury (SIRVA)

Alison Haskins, Maglio, Christopher & Toale, PA, Sarasota, FL, for petitioner.
Ann Martin, United States Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

Vowell, Special Master:

On November 7, 2014, [Redacted] (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² [the “Vaccine Act” or “Program”]. Petitioner alleged that, as a result of receiving an influenza vaccine on December 17, 2003, she suffered a shoulder injury the residual effects of which lasted more than six months. (See Stipulation for Award, filed July 13, 2015, ¶¶ 1-4 (ECF No. 21).) Respondent denies that the influenza vaccination caused petitioner’s alleged shoulder injury or any other injury. (*Id.*, ¶. 6.)

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, it will be posted on the United States Court of Federal Claims’ website, in accordance with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)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

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).

Nevertheless, the parties have agreed to settle the case. On July 13, 2015, the parties filed a joint stipulation agreeing to settle this case and describing the settlement terms. The stipulation also included a payment of attorneys' fees and costs.³ In accordance with General Order #9, petitioner's counsel asserts that petitioner incurred no out-of-pocket litigation expenses. (*Id.*)

Respondent agrees to pay petitioner:

- A lump sum of **\$65,000.00** 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-15(a); and
- A lump sum of **\$11,237.47** in the form of a check payable jointly to petitioner and petitioner's attorney, Alison H. Haskins, Esq., for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e). (*Id.*, ¶ 8.)

I adopt the parties' stipulation attached hereto, and award compensation in the amount and on the terms set forth therein. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.⁴

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Special Master

³ The Vaccine Act permits an award of reasonable fees and costs. 42 U.S.C. § 300 aa-15(e). I find the proposed total amount for attorneys' fees and costs to be reasonable.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.