

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

████████████████████

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* No. 14-158V
* Special Master Christian J. Moran
*
* Filed: January 8, 2015
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* Stipulation; influenza (“flu”) vaccine,
* Guillain- Barré syndrome (“GBS”).
*
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Danielle Strait, Maglio, Christopher & Toale, PA, Washington, DC, for Petitioner;
Voris Johnson, U.S. Dep’t of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On January 5, 2015, respondent filed a joint stipulation concerning the petition for compensation filed by ██████████ on February 27, 2014. In his petition, Mr. Fortunato 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 he received on or about December 13, 2012, caused him to suffer Guillain-Barré Syndrome (“GBS”). Petitioner further alleges that he experienced the residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages as a result of his condition.

Respondent denies that the flu vaccine administered on or about December 13, 2012, is the cause of petitioner’s alleged GBS and/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 \$120,000.00 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 14-158V according to this decision and the attached stipulation.²

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

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.