

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

No. 14-379V

Filed: March 11, 2015

(Unpublished)

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[REDACTED]

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Stipulation; Entitlement;
Flu; Chronic Inflammatory
Demyelinating Polyneuropathy;
Attorneys' Fees & Costs

Danielle Strait, Esq., Maglio, Christopher and Toale, PA (DC), for petitioner.
Justine Walters, Esq., U.S. Dep't of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

Gowen, Special Master:

[REDACTED] ["petitioner"] filed a petition for compensation under the National Vaccine Injury Compensation Program² on May 5, 2014. Petitioner alleges that he suffered from Chronic Inflammatory Demyelinating Polyneuropathy [CIDP] that was caused in fact by a flu vaccination he received on September 19, 2012. See Stipulation, filed March 11, 2015, at ¶¶ 2, 4. Further, petitioner alleges that he experienced residual effects of his injuries for more than six months. Petition, filed May 5, 2014. Respondent denies that the petitioner's flu vaccine caused petitioner's CIDP, or any other injury or his current condition. Stipulation at ¶ 6.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

Nevertheless, the parties have agreed to settle the case. On March 11, 2015, the parties filed a joint stipulation agreeing to settle this case and describing the settlement terms.

Respondent agrees to pay petitioner:

- a. **A lump sum of \$85,000.00 in the form of a check payable to petitioner,** [REDACTED] This amount represents compensation for all damages that would be available under § 300aa-15(a); and
- b. **A lump sum of \$16,000.00 in the form of a check payable jointly to petitioner and petitioner's attorney, Danielle Strait, Esq. at Maglio, Christopher & Toale, PA, for attorneys' fees and costs** available under § 300aa-15(e); and, in compliance with General Order #9, no out-of-pocket expenses were incurred by petitioner in proceeding on the petition.

The special master adopts the parties' stipulation attached hereto, and awards compensation in the amount and on the terms set forth therein. The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/ Thomas L. Gowen
Thomas L. Gowen
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.