

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-771V

Filed: August 4, 2015

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████████████████████		
		Special Master Gowen
Petitioner,		
		Joint Stipulation on Damages;
v.		Influenza Vaccine;
		Guillain-Barré Syndrome.
SECRETARY OF HEALTH		
AND HUMAN SERVICES,		
Respondent.		
* * * * *		

Alison H. Haskins, Maglio Christopher & Toale, PA, Sarasota, FL, for petitioner.
Julia W. McInerney, United States Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

On August 22, 2014, ██████████ (“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 November 19, 2012, he suffered Guillain-Barré Syndrome (“GBS”). Stipulation ¶ 2, 4, filed August 3, 2015. Further, petitioner alleged that he experienced residual effects of his injury for more than six months. *Id.* at ¶ 4.

On August 3, 2015, the parties filed a stipulation in which they state that a decision should

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.

be entered awarding compensation. Respondent denies that the flu vaccination caused petitioner's GBS or any other injury. 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 stipulate that petitioner shall receive the following compensation:

- 1) **A lump sum of \$170,000.00, 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); and**
- 2) **A lump sum of \$13,046.30, for reimbursement to the State of Oregon Department of Human Services for the Medicaid Lien, in the form of a check payable jointly to petitioner and**

**Oregon Department of Human Services
Office of Payment Accuracy and Recovery
Attn: Mary Beth Pike
P.O. Box 14512
Salem, OR 97309-0416**

Id. at ¶ 8.

The undersigned approves the requested amounts for petitioner's compensation. Accordingly, an award should be made consistent with the stipulation.

The clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

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

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.