

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

\*\*\*\*\*  
[REDACTED]  
Petitioner,  
  
v.  
  
SECRETARY OF HEALTH  
AND HUMAN SERVICES,  
  
Respondent.  
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\*  
No. 16-029V  
Special Master Christian J. Moran  
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\*  
Filed: August 11, 2017  
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\*  
Stipulation; influenza (“flu”) vaccine;  
transverse myelitis (“TM”).  
\*  
\*  
\*\*\*\*\*

Diana L. Stadelnikas, Maglio Christopher and Toale, PA, Sarasota, FL, for  
Petitioner;  
Adriana R. Teitel, United States Dep’t of Justice, Washington, DC, for  
Respondent.

**UNPUBLISHED DECISION**<sup>1</sup>

On August 10, 2017, the parties filed a joint stipulation concerning the petition for compensation filed by [REDACTED] on January 7, 2016. In her petition, petitioner 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 she received on October 28, 2013, caused her to sustain a vaccine-related injury diagnosed as transverse myelitis. Petitioner further alleges that she suffered 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 on her behalf as a result of her condition.

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<sup>1</sup> The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 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.

Respondent denies that petitioner's alleged transverse myelitis and its residual effects were caused-in-fact by the flu vaccine. Respondent further denies that the flu vaccine caused petitioner any other injury or her current condition.

Nevertheless, the parties agree to the joint stipulation, attached hereto. 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. A lump sum payment of \$1,596.68, representing compensation for full satisfaction of the State of Alabama Medicaid lien, in the form of a check payable jointly to petitioner and Alabama Medicaid Agency. Petitioner agrees to endorse this payment to Alabama Medicaid Agency, and forward the payment to:**

**HMS  
Attention: AL Medicaid Subrogation Unit  
2000 Interstate Park Drive, Suite 401  
Montgomery, AL 36109**

- b. A lump sum payment of \$100,000.00 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 16-029V according to this decision and the attached stipulation.<sup>2</sup>

**IT IS SO ORDERED.**

S/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> 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.

UNITED STATES DEPARTMENT OF THE ARMY  
OFFICE OF THE ADJUTANT GENERAL  
WASHINGTON, D.C. 20315-5000

[Redacted]  
Petitioner,  
vs.  
RESPONSE  
[Redacted]  
Respondent.

NSC 103-02997  
Special Messenger/Kitchen  
ECDF

RESPONSE

The petitioner hereby supplies the following matters:

1. Petitioner [Redacted] ((Petitioner)) filed the petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-10 to -21 (the "Vaccine Program"). The petition seeks compensation for injuries allegedly sustained by petitioner's receipt of an influenza vaccine ((FIV)) which vaccine is contained in the Vaccine Injury Table (the "Table") 42 C.F.R. § 100.2(a).
2. Petitioner received the FIV immunization on October 28, 2011.
3. The vaccine was administered within the United States.
4. Petitioner alleges that he sustained the vaccine-related injury, diagnosed as transverse myelitis, that was caused in fact by the FIV vaccine. Petitioner further alleges that he experienced the residual effects of this injury for more than six months.
5. Petitioner represents that he has been diagnosed with the condition and that he has a permanent and total disability.

66. Respondent denies that petitioners' alleged tortious conduct caused the medical effects to which respondent is liable by the following: Respondent is not the direct cause of the injury because respondent is not the direct cause of the injury or the cause of the condition.

67. Maintaining the relevant issues in dispute, the parties agree that the issues in this case are the following: (1) whether respondent is liable for the medical effects to which petitioners are entitled to compensation pursuant to the Alabama Workers' Compensation Act.

68. As soon as practicable after the entry of judgment reflecting a decision consistent with the terms of the stipulation, and after the parties have filed a motion for summary judgment pursuant to 42 U.S.C. § 300ae-27(a)(9), the Secretary of Health and Human Services will issue the following written compensation payments:

- a. a lump sum payment of \$20,000.00 representing compensation for full medical care for the State of Alabama Medical Office, in the form of a check payable jointly to petitioners and Alabama Medical Agency. Petitioners agree to send this payment to Alabama Medical Agency, and forward the payments to:

MEMO

Attention: AED Medical Subrogation Unit  
2200 University Park Drive, Suite 401  
Montgomery, AL 36109

- b. a lump sum of \$200,000.00 in the form of a check payable to petitioners. This amount represents compensation for all remaining damages that will be awarded under 42 U.S.C. § 300ae-27(a).

69. As soon as practicable after the entry of judgment in this case, and after petitioners have filed a proper and timely motion to resolve summary judgment pursuant to 42 U.S.C. § 300ae-27(a)(9), on an application, the parties will submit to the presiding judge the proposed master's award and the attorney's fees and costs incurred in processing the petition.

100. The title of the award shall be "Award for the Services of the [Name of the Award]". The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award]. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award]. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award].

101. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award]. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award]. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award].

102. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award]. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award]. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award].

103. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award]. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award]. The award shall be payable to the [Name of the Award] and shall be payable to the [Name of the Award].

118. The parties agree that the provisions of this agreement shall be subject to the jurisdiction of the United States Court of Federal Claims and the provisions of 28 U.S.C. § 1491.

119. If the parties are unable to resolve their disputes in accordance with the terms of this agreement, the parties agree that the jurisdiction of the United States Court of Federal Claims shall be subject to the provisions of 28 U.S.C. § 1491.

120. If the provisions of this agreement are found to be in complete conformity with the terms of the applicable provisions of the United States Code, the provisions of this agreement shall be subject to the jurisdiction of the United States Court of Federal Claims and the provisions of 28 U.S.C. § 1491.

121. This agreement is intended to be a complete and exclusive agreement between the parties and shall not be subject to the jurisdiction of the United States Court of Federal Claims and the provisions of 28 U.S.C. § 1491. The parties agree that the provisions of this agreement shall be subject to the jurisdiction of the United States Court of Federal Claims and the provisions of 28 U.S.C. § 1491. The parties agree that the provisions of this agreement shall be subject to the jurisdiction of the United States Court of Federal Claims and the provisions of 28 U.S.C. § 1491.

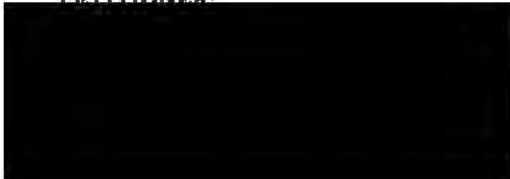
122. This agreement shall be subject to the jurisdiction of the United States Court of Federal Claims and the provisions of 28 U.S.C. § 1491. The parties agree that the provisions of this agreement shall be subject to the jurisdiction of the United States Court of Federal Claims and the provisions of 28 U.S.C. § 1491.

123. All rights and obligations of the parties under this agreement shall be subject to the jurisdiction of the United States Court of Federal Claims and the provisions of 28 U.S.C. § 1491.

END OF DOCUMENT

Respectfully submitted,

PETITIONER:



ATTORNEY OF RECORD FOR  
PETITIONER:

DIANA L. STADELNIKAS  
Maglio Christopher & Toale, PA  
1605 Main Street, Suite 710  
Sarasota, FL 34236  
(941) 952-5242

AUTHORIZED REPRESENTATIVE  
OF THE ATTORNEY GENERAL:

CATHARINE E. REEVES  
Deputy Director  
Torts Branch  
Civil Division  
U.S. Department of Justice  
P.O. Box 146  
Benjamin Franklin Station  
Washington, DC 20044-0146

AUTHORIZED REPRESENTATIVE  
OF THE SECRETARY OF HEALTH  
AND HUMAN SERVICES:

NARAYAN NAIR, M.D.  
Director, Division of  
Injury Compensation Programs  
Healthcare Systems Bureau  
U.S. Department of Health  
and Human Services  
5600 Fishers Lane  
Parklawn Building, Mail Stop 08-N146B  
Rockville, MD 20857

ATTORNEY OF RECORD FOR  
RESPONDENT:

ADRIANA TEITEL  
Trial Attorney  
Torts Branch  
Civil Division  
U.S. Department of Justice  
P.O. Box 146  
Benjamin Franklin Station  
Washington, DC 20044-0146  
(202) 616-3677

Dated: 8/10/2017