

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 17-922V  
Special Master Christian J. Moran

Filed: July 27, 2018

Damages; decision based on proffer;  
influenza (“flu”) vaccination;  
Guillain-Barre syndrome.

Diana Lynn Stadelnikas, Maglio Christopher and Toale, PA, Sarasota, FL, for  
Petitioner;  
Daniel Anthony Principato, U.S. Department of Justice, Washington, DC, for  
Respondent.

### UNPUBLISHED DECISION AWARDING DAMAGES<sup>1</sup>

On July 10, 2017, ██████████ filed a petition seeking compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-1 et seq., alleging that an influenza vaccination, administered on September 1, 2015, caused him to suffer Guillain-Barre syndrome (GBS). On April 10, 2018, the undersigned ruled, based upon respondent’s concession, see Respondent’s Report, filed April 2, 2018, that petitioners are entitled to compensation under the Vaccine Act.

On July 23, 2018, respondent filed a Proffer on Award of Compensation, to which petitioner agrees. Based upon the record as a whole, the special master

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<sup>1</sup> The E-Government Act, 44 § 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.

finds the proffer reasonable and that petitioner is entitled to an award as stated in the Proffer. Pursuant to the attached Proffer the court awards petitioner:

**A lump sum payment of \$231,335.88 comprised of \$195,000.00 for past and future pain and suffering and \$36,335.88 in unreimbursable expenses) 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 17-922V according to this decision and the attached proffer.<sup>2</sup>

Any questions may be directed to my law clerk, Matthew Ginther, at (202) 357-6360.


**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.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS**

_____	)	
	)	No. 17-922V
Petitioner,	)	Special Master Moran
	)	ECF
v.	)	
	)	
SECRETARY OF HEALTH AND	)	
HUMAN SERVICES,	)	
	)	
Respondent.	)	
_____	)	

**PROFFER ON AWARD OF COMPENSATION**

**I. Compensation for Vaccine Injury-Related Items**

On April 2, 2018, respondent filed a Vaccine Rule 4(c) report concluding that petitioner suffered an injury that is compensable under the National Childhood Vaccine Injury Act of 1986, as amended, 42 U.S.C. §§ 300aa-10 to -34. Accordingly, on April 10, 2018, the Special Master issued a Ruling on Entitlement.

Respondent now proffers that, based on the evidence of record, petitioner should be awarded \$231,335.88. This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

**II. Items of Compensation and Form of the Award**

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment described below, and request that the Chief Special Master's decision and the Court's judgment award the following:<sup>1</sup>

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<sup>1</sup> Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses, future pain and suffering, and future lost wages.

A. Petitioner's Damages

A lump sum payment of \$231,335.88 (comprised of \$195,000.00 for past and future pain and suffering and \$36,335.88 in unreimbursable expenses) in the form of a check payable to petitioner, [REDACTED]

B. Guardianship

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General

C. SALVATORE D'ALESSIO  
Acting Director  
Torts Branch, Civil Division

CATHARINE E. REEVES  
Deputy Director  
Torts Branch, Civil Division

ALEXIS B. BABCOCK  
Assistant Director  
Torts Branch, Civil Division

/s/ Daniel A. Principato  
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Dated: July 23, 2018