

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

██████████

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* No. 16-262V
* Special Master Christian J. Moran

* Filed: July 30, 2019

* Stipulation; Tetanus-diphtheria-
* acellular (“Tdap”) vaccine; chronic
* inflammatory demyelinating
* polyneuropathy (“CIDP”)

Amber D. Wilson, Maglio Christopher and Toale, PA, Washington, D.C., for
Petitioner;
Traci R. Patton, United States Dep’t of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION¹

On July 22, 2019, the parties filed a joint stipulation concerning the petition for compensation filed by ██████████ (“Petitioner”) on February 25, 2017. Petitioner alleged that the Tetanus-diphtheria-acellular pertussis (“Tdap”) vaccine he received on August 23, 2013, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), caused him to suffer chronic inflammatory demyelinating polyneuropathy (“CIDP”). Petitioner further alleges that he 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 his behalf as a result of his condition.

¹ 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 the Tdap vaccine caused petitioner to suffer CIDP or any other injury.

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. A lump sum of \$106,550.00, which amount represents compensation for first year life care expenses (\$6,550.00) and combined lost earnings, pain and suffering, and past unreimbursable expenses (\$100,000.00), in the form of a check payable to petitioner.**
- b. An amount sufficient to purchase the annuity contract described in paragraph 10 of the joint stipulation, paid to the life insurance company from which the annuity will be purchased.**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk of Court is directed to enter judgment in case 17-444V according to this decision and the attached stipulation.²

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.