

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No.

Filed:

UNPUBLISHED

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Petitioner,	*	Joint Stipulation on Damages;
	*	Influenza ("Flu") Vaccine;
	*	Left Shoulder Injury;
SECRETARY OF HEALTH	*	Special Processing Unit ("SPU")
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
	*	

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Ramon Rodriquez, III, Rawls McNelis and Mitchell, P.C., Richmond, VA, for petitioner. Darryl R. Wishard, U.S. Department of Justice, Washington, DC, for respondent.

**DECISION ON JOINT STIPULATION<sup>1</sup>**

Dorsey, Chief Special Master:

On \_\_\_\_\_, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq.,<sup>2</sup> [the "Vaccine Act"]. Petitioner alleges that she suffered a left shoulder injury as a result of her influenza ["flu"] vaccination. Petition at 1; Stipulation, filed \_\_\_\_\_, ¶¶ 2, 4. Petitioner further alleges that she has experienced the symptoms of her injury for more than six months, and has received no prior award or settlement of a civil action for damages as a result of her injury. Petition, ¶¶ 10-11; Stipulation, ¶¶ 4-5. "Respondent denies that the flu vaccine either caused or significantly aggravated petitioner's alleged injury or any other injuries, and denies that petitioner's current disabilities are the result of a vaccine-related injury." Stipulation, ¶ 6.

Nevertheless, on \_\_\_\_\_, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. The undersigned

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> 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 (2012).

finds the stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

The parties stipulated that petitioner shall receive the following compensation:

**A lump sum of \$140,000.00 in the form of a check payable to petitioner.**

Stipulation, ¶ 8. This amount represents compensation for all items of damages that would be available under 42 U.S.C. § 300aa-15(a). *Id.*

The undersigned approves the requested amount for petitioner's compensation. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.