

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,
Respondent.

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Stipulation; Influenza (“flu”) vaccine;
neuromuscular symptoms and/or
fibromyalgia

Ramon Rodriguez, III, Rawls, McNelis & Mitchell, P.C., Richmond, VA, for
Petitioner;
Debra Begley, United States Dep’t of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On _____, respondent filed a joint stipulation concerning the petition for compensation filed by _____. In his petition, _____ 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 he received on _____, caused him to develop neuromuscular symptoms and/or fibromyalgia. Petitioner further alleges that he experienced the residual effects of these injuries 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.

Respondent denies petitioner’s neuromuscular symptoms and/or fibromyalgia, or any other condition, was caused-in-fact by his flu vaccination.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the party has 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.

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 lump sum of \$250,000.00 in the form of a check payable to petitioner, . 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 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.