

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No.

Filed:

Not for Publication

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|                     |   |                           |
|---------------------|---|---------------------------|
|                     | * |                           |
|                     | * |                           |
| Petitioner,         | * |                           |
|                     | * | Damages Decision Based on |
| v.                  | * | Stipulation; Flu Vaccine; |
|                     | * | Motor Neuron Disease      |
| SECRETARY OF HEALTH | * |                           |
| AND HUMAN SERVICES, | * |                           |
|                     | * |                           |
| Respondent.         | * |                           |
|                     | * |                           |

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Ramon Rodriguez, III, Richmond, VA, for petitioner.

Glenn A. MacLeod, Washington, DC, for respondent.

**MILLMAN, Special Master**

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

On \_\_\_\_\_, the parties filed the attached stipulation in which they agreed to settle this case and described the settlement terms. Petitioner alleges that he suffered from motor neuron disease (brachial neuritis, Parsonage-Turner Syndrome) following a flu vaccination. Respondent denies that petitioner’s motor neuron disease was caused in fact by his flu vaccination. Nonetheless, the parties agreed to resolve this matter informally.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to redact such information prior to the document’s disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall redact such material from public access.

The court finds the terms to be reasonable, hereby adopts the parties' stipulation, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards a lump sum of **\$250,000.00**, representing compensation for damages. The award shall be in the form of a check made payable to petitioner.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

s/ Laura D. Millman  
Laura D. Millman  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.