

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

Filed:

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	*	UNPUBLISHED
,	*	
	*	
Petitioner,	*	No.
	*	
v.	*	Chief Special Master Dorsey
	*	
SECRETARY OF HEALTH AND HUMAN SERVICES,	*	Decision Based on Stipulation;
	*	Influenza (Flu) Vaccine;
Respondent.	*	Guillain-Barre Syndrome (GBS);
	*	Chronic Inflammatory
	*	Demyelinating Polyneuropathy
	*	(CIDP).

* * * * *

Elizabeth M. Muldowney, Sands Anderson PC, Richmond, VA, for petitioner.
Linda S. Renzi, US Department of Justice, Washington, DC, for respondent.

DECISION BASED ON STIPULATION¹

On _____ (“petitioner”) filed a petition in the National Vaccine Injury Compensation Program.² Petitioner alleged that as a result of an influenza (“flu”) vaccine administered to her daughter, _____ suffered from Guillain-

¹ Because this Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the Internet.** 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.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (“Vaccine Act” or “the Act”). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

Barre Syndrome (“GBS”) and/or chronic inflammatory demyelinating polyneuropathy (“CIDP”).
Petition at 1.

On _____ the parties filed a stipulation recommending an award of compensation to petitioners. Stipulation (ECF No. 87). Respondent denies that the flu vaccine caused _____ to suffer GBS, CIDP, or any other injury. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds the stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

The parties stipulate that petitioners shall receive the following compensation:

- (1) **A lump sum of \$195,696.98, which amount represents compensation for first year life care expenses (\$696.98) and pain and suffering (\$195,000.00), in the form of a check payable to petitioner as guardian(s)/conservator(s) of the estate of _____ for the benefit for _____. No payments shall be made until petitioner provides respondent with documentation establishing that she has been appointed as the guardian(s)/conservator(s) of _____ estate.**
- (2) **A lump sum of \$8,207.24, which amount represents compensation for past unreimbursable expenses, in the form of a check payable to petitioner,**
- (3) **An amount sufficient to purchase the annuity contract described in paragraph 10 of the Stipulation, paid to the life insurance company from which the annuity will be purchased.**

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

The undersigned approves the requested amount for petitioners’ compensation. Accordingly, an award should be made consistent with the stipulation.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties’ stipulation.³

IT IS SO ORDERED.

s/Nora B. Dorsey
Nora B. Dorsey
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of notice renouncing the right to seek review.