

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No.

Filed:

Not for Publication

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Damages decision based on
stipulation; influenza
("flu") vaccine; Guillain-Barré
syndrome ("GBS")

Edward M. Kraus, Chicago, Illinois, for petitioner.
Ryan Daniel Pyles, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES¹

On the parties filed the attached stipulation in which they agreed to settle this case and described the settlement terms. Petitioner alleges that her influenza ("flu") vaccine caused her to develop Guillain-Barré syndrome ("GBS") and related sequelae. Petitioner further alleges that she suffered the residual effects of this injury for more than six months. Respondent denies that the flu vaccine caused petitioner's GBS or any

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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 delete 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 delete such material from public access.

other injury. Nonetheless, the parties agreed to resolve this matter informally.

The undersigned finds the terms of the stipulation to be reasonable. The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards:

- a. an amount sufficient to purchase the annuity contract described in paragraph 10 of the parties' attached stipulation, paid to the life insurance company from which the annuity will be purchased;
- b. a lump sum of **\$227,333.02**, representing reimbursement of a Medicaid lien. The award shall be in the form of a check for **\$227,333.02** made payable jointly to petitioner and

Petitioner agrees to endorse this payment to the State; and

- c. a lump sum of **\$565,627.00** representing compensation for all remaining damages that would be available under 42 U.S.C. § 300aa-15(a), including \$40,627.00 for future life care plan expenses for the first year following the entry of judgment. The award shall be in the form of a check for **\$565,627.00** 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.²

IT IS SO ORDERED.

Dated:

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

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party, either separately or jointly, filing a notice renouncing the right to seek review.