

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No.

Filed:

Not for Publication

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 Petitioner,
 v.
 SECRETARY OF HEALTH
 AND HUMAN SERVICES,
 Respondent.

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Damages decision based on stipulation; influenza vaccine; brachial neuritis; fees and costs decision based on stipulation

Edward M. Kraus, Chicago, IL, for petitioner.
Julia W. McInerney, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES AND ATTORNEYS' FEES AND COSTS¹

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 brachial neuritis (“BN”) as a result of his receipt of influenza (“flu”) vaccine on Petitioner further alleges that he suffered the residual effects of this injury for more than six months. Respondent denies that petitioner’s BN or any other injury was caused by the flu vaccine. Nonetheless, the parties agreed to resolve this matter informally.

The court finds the terms of the stipulation to be reasonable, hereby adopts the parties’ stipulation, and awards compensation in the amount and on the terms set forth therein. Pursuant

¹ Because this unpublished decision contains a reasoned explanation for the special master’s action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims’s website, in accordance with the E-Government Act of 2002, Pub.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

to the stipulation, the court awards \$49.52 for reimbursement of the Medicaid lien and \$465,000.00 for reimbursement for damages.

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Accordingly, the court awards:

- a. a lump sum of **\$49.52**, for reimbursement of the 's Medicaid lien. The award shall be in the form of a check payable jointly to petitioner and

Petitioner agrees to endorse this payment to ; and

- b. a lump sum of **\$465,000.00**, representing compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a) (2006). The award shall be in the form of a check payable to petitioner; and

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.