

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No.

Filed:

Unpublished

Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent. Joint Stipulation on Damages; Tetanus-diphtheria-acellular pertussis ("Tdap") Vaccine; Hepatitis A ("Hep A") Vaccine; Inactivated Polio ("IPV") Vaccine; Meningococcal Conjugate Vaccine; Inflammatory Brachial Plexopathy; Adhesive Capsulitis; Special Processing Unit ("SPU")

Edward M. Kraus, Law Offices, Chicago-Kent College of Law, Chicago, IL, for petitioner. Julia W. McInerney, U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION

Dorsey, Chief Special Master:

On [redacted], ("petitioner"), filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq., (the "Vaccine Act" or "Program"). Petitioner alleges that she sustained a vaccine-related injury to her left arm described as inflammatory brachial plexopathy, weakness, pain, numbness, and adhesive capsulitis, caused-in-fact by her receipt of the tetanus-diphtheria-acellular pertussis ("Tdap"), hepatitis A ("Hep A"), inactivated polio ("IPV"), and meningococcal conjugate vaccines on [redacted]. Pet. at [redacted]; Stip., filed [redacted], at ¶¶ [redacted]. Petitioner further states that the vaccine was administered in the United States, that she experienced the residual effects of her injury for more than six months, and that there has been no prior award or settlement of a civil action for damages as a result of her condition. Pet. at ¶¶ [redacted]; Stip. at ¶¶ [redacted]. Respondent denies that petitioner's alleged left arm injury and residual effects were caused-in-fact by the Tdap, Hep A, IPV, and meningococcal conjugate vaccines.

1 Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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). 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 National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Respondent further denies that the aforementioned vaccines caused petitioner any other injury or her current condition. Stip. at ¶ .

Nevertheless, on _____, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. 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 petitioner shall receive the following compensation:

A lump sum of \$340,000.00 in the form of a check payable to petitioner, _____ . Stip. at ¶ . This amount represents compensation for all items of damages that would be available under 42 U.S.C. § 300aa-15(a). *Id.*

The undersigned approves the requested amount for petitioner's compensation. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

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