

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

Unpublished

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Petitioner,	*	Joint Stipulation on Damages;
v.	*	Influenza ("flu") Vaccine; Guillain-Barré
SECRETARY OF HEALTH	*	Syndrome ("GBS"); Special Processing
AND HUMAN SERVICES,	*	Unit ("SPU")
	*	
Respondent.	*	
	*	

*Edward M. Kraus, Law Offices of Chicago Kent, Chicago, IL, for petitioner.
Traci R. Patton, U.S. Department of Justice, Washington, DC, for respondent.*

DECISION ON JOINT STIPULATION¹

Dorsey, Chief Special Master:

On _____ ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq.,² (the "Vaccine Act"). Petitioner alleges that she suffered Guillain-Barré Syndrome ("GBS") as a result of an influenza ("flu") vaccination she received on _____ . Petition at _____ ; Stipulation, filed _____ at ¶¶ . Petitioner further alleges that she received the vaccination in the United States, that she has suffered the effects of her injury for more than six months, and that she has not received compensation for her vaccine-related injury. Pet. at ¶¶ _____ see also Stip. at ¶¶ . Respondent denies that the influenza vaccine is the cause of petitioner's alleged GBS, or any other injury or condition. Stip. at ¶ .

Nevertheless, on _____ the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. The undersigned

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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).

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:

- (1) A lump sum of \$541,705.24, which represents compensation for first year life care expenses (\$19,391.52), lost earnings (\$333,043.84), pain and suffering (\$183,392.31), and past unreimbursable expenses (\$5,877.57), in the form of a check payable to petitioner, and**
- (2) 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.**

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.