

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: June 27, 2023

[Redacted]

Petitioners,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

* * * * *

No. 18-115V

Special Master Gowen

Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for petitioner. Colleen Clemons Hartley, U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON STIPULATION¹

On January 23, 2018, [Redacted] (“petitioner”), filed a petition for compensation under the National Vaccine Injury Compensation Program.² (Petition) (ECF No. 1). Petitioner alleged that as a result of receiving the influenza (“Flu”) vaccine on January 23, 2015, he suffered from Transverse Myelitis (“TM”). *Id.*

On June 27, 2023, respondent filed a stipulation stating that a decision should be entered awarding compensation to petitioner. Stipulation (ECF No. 91). Respondent denies that the flu vaccine caused petitioner to suffer from TM, or any other injury, or his current condition. *Id.* at ¶ 6. Nevertheless, maintaining their respective positions, the parties nevertheless now agree that

¹ Pursuant to the E-Government Act of 2002, see 44 U.S.C. § 3501 note (2012), because this decision contains a reasoned explanation for the action in this case, I am required to post it to a publicly available website. This decision will appear at https://www.govinfo.gov/app/collection/uscourts/national/cofc or on the Court of Federal Claims website. This means the decision will be available to anyone with access to the Internet. Before the decision is posted on the court’s website, each party has 14 days to file a motion requesting redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). “An objecting party must provide the court with a proposed redacted version of the decision.” *Id.* If neither party files a motion for redaction within 14 days, the decision will be posted on the court’s website without any changes. *Id.*

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-10 to 34 (2012) (hereinafter “Vaccine Act” or “the Act”). Hereinafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

the issues between the parties shall be settled and that a decision should be entered awarding petitioner compensation according to the terms of the stipulation attached here to as Appendix A. *Id.* at ¶ 7.

The stipulation provides:

- a) **A lump sum of \$329,906.79, which amount represents compensation for first year life care expenses (\$34,953.54) and all remaining damages (\$294,953.25), in the form of a check payable to petitioner;**
- b) **An amount sufficient to purchase the annuity contract described in paragraph 10, paid to the life insurance company from which the annuity will be purchased (the “Life Insurance Company”).**

I adopt the parties’ stipulation attached hereto, and award compensation in the amount and on the terms set forth therein. The Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties’ stipulation.³

IT IS SO ORDERED.

s/Thomas L. Gowen
Thomas L. Gowen
Special Master

³ Entry of judgment is expediated by each party’s filing notice renouncing the right to seek review. Vaccine Rule 11(a).