

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: June 30, 2022

* * * * *
[REDACTED], as
personal representative of the
Estate of [REDACTED],
Petitioner,
v.
SECRETARY OF HEALTH
AND HUMAN SERVICES,
Respondent.
* * * * *

Unpublished
No. 17-1922V
Special Master Gowen
Decision on Stipulation;
Guillain Barré Syndrome (“GBS”);
Influenza (“flu”).

Leah V. Durant, Law Offices of Leah V. Durant, Washington, D.C., for petitioner.
Andrew Henning, U.S. Dept. of Justice, Washington, D.C., for respondent.

DECISION ON STIPULATION¹

On December 11, 2017, [REDACTED], as personal representative of the Estate of [REDACTED] (“petitioner”), filed a petition for compensation under the National Vaccine Injury Program.² Petition (ECF No. 1). Petitioner alleges that as a result of [REDACTED] receiving an influenza (“flu”) vaccine on November 5, 2016, she suffered from Guillain-Barré syndrome (“GBS”) and passed away as a result of her vaccine related injury. Id.; Stipulation (ECF No. 70).

¹ Pursuant to the E-Government Act of 2002, see 44 U.S.C. § 3501 note (2012), because this opinion contains a reasoned explanation for the action in this case, I am required to post it on the website of the United States Court of Federal Claims. The court’s website is at http://www.uscfc.uscourts.gov/aggregator/sources/7. This means the opinion will be available to anyone with access to the Internet. Before the opinion 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 opinion 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-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

On June 30, 2022, respondent filed a stipulation providing that a decision should be entered awarding compensation to petitioner. Stipulation. Respondent denies that the flu vaccine is the cause of [REDACTED] GBS or her death. *Id.* at ¶ 6. Nevertheless, maintaining their respective positions, the parties now agree that the issues between them shall be settled and that a decision should be entered awarding the compensation according to the terms of the stipulation attached hereto as Appendix A. *Id.* at ¶ 7.

The stipulation provides:

- a) **A lump sum of \$40,000.00 in the form of a check payable to petitioner as legal representative of the Estate of [REDACTED]. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

Accordingly, the Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of the stipulation and this decision.³

IT IS SO ORDERED.

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

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