

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 18-1750V

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

Chief Special Master Corcoran

Filed: July 3, 2024

Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for Petitioner.

Debra A. Filteau Begley, U.S. Department of Justice, Washington, DC, for Respondent.

FINAL DECISION AWARDING DAMAGES¹

On November 13, 2018, ██████████ ██████████ (“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 alleged that he developed Guillain-Barré syndrome (“GBS”) as a result of an influenza (“flu”) vaccine administered on November 11, 2015. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters (the “SPU”).

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** 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, I agree that the identified material fits within this definition, I 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 section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Respondent conceded entitlement in Fall 2019, but the parties could not informally resolve damages. On January 5, 2023, I issued a Decision Awarding Damages – specifically awarding \$185,000.00 for actual pain and suffering, and \$75.00 for reimbursement of paid expenses, to Petitioner. ECF No. 78. The Decision denied compensation of certain unreimbursed medical expenses, however. *Id.*

The issue of the additional expenses was subject to litigation and a motion for review that was successful. ECF No. 87. However, in the subsequent course of resolving the matter in light of the guidance obtained from the Court of Federal Claims, the parties were able to resolve their differences.

Thus, on July 2, 2024, the parties filed the attached joint stipulation, which confirms that neither party sought review of the amounts previously awarded. ECF No. 104 at ¶ 10. The parties waive the right to appeal the Court of Federal Claims' determination at ECF No. 87, agree that the sole issue between them on remand shall be settled, and agree that a final Decision should be entered awarding compensation. *Id.* at ¶¶ 11 – 13. The parties stipulate to an award of \$42,700.00 to be made payable jointly to Petitioner and Novant Health, and \$1,368.50 to be made payable solely to Petitioner, in addition to the amounts awarded in the Decision at ECF No. 78, from which neither party sought review. *Id.* at ¶ 13. I find the stipulation reasonable and adopt it on the terms set forth therein.

Pursuant to the terms stated in the attached Stipulation, I award the following compensation:

- A. A lump sum of \$42,700.00, representing past unreimbursed expenses, in the form of a check made payable jointly to Petitioner and Novant Health:**

**Novant Health
ATTN: [REDACTED]
Patient Financial Services
P.O. Box 105099
Atlanta, Georgia 30374**

Petitioner agrees to endorse this check to Novant Health.

B. A lump sum of \$186,443.50 (representing \$185,000.00 for actual pain and suffering, and \$1,443.50 for unreimbursed expenses³) in the form of a check made payable to Petitioner.

These amounts represent compensation for all items of damages that would be available under Section 15(a)(1)(B). Stipulation at ¶ 13. In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court is directed to enter judgment forthwith.⁴

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran

Chief Special Master

³ Representing a total of the \$75.00 awarded in the Decision at ECF No. 78, and the “remaining” \$1,368.50 stipulated by the parties, ECF No. 104 at ¶ 13.

⁴ 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.