

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

Filed: August 12, 2024

* * * * *
[REDACTED],
as personal representative of,
ESTATE OF [REDACTED],

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.
* * * * *

No. 22-204V

Special Master Gowen

Leah V. Durant, Law Offices of Leah V. Durant, Washington, D.C., for petitioner.
Benjamin P. Warder, U.S. Department of Justice, Washington, D.C., for respondent.

DECISION ON STIPULATION¹

On February 24, 2022, [REDACTED], as personal representative of the Estate of [REDACTED] (“petitioner”), filed a claim in the National Vaccine Injury Compensation Program. Petition² (ECF No. 1). Petitioner alleges that the influenza (“flu”) vaccine received on September 22, 2020, caused her to develop Guillain-Barré syndrome (“GBS”), and subsequently her death on October 22, 2020. *Id.*

On August 12, 2024, respondent filed a stipulation providing that a decision should be entered awarding compensation to petitioner. Stipulation (“Stip.”) (ECF No. 36). Respondent denies [REDACTED] GBS and subsequent death was caused by the flu vaccine. Stip. at ¶ 6.

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.

Maintaining their respective positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding compensation to petitioner according to terms of the stipulation attached hereto as Appendix A. *Id.* at ¶.

The stipulation awards:

- a) **A lump sum payment of \$215,000.00, in the form of a check payable to petitioner as personal representative on behalf of the Estate of [REDACTED]. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

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).