

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-928V

Filed: October 21, 2024

██████████ as Personal
Representative of ESTATE OF

██████████,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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

Madelyn Weeks, U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

On July 30, 2020, petitioner filed a petition on behalf of her deceased husband, ██████████ (“decedent”), for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that the decedent suffered Guillain-Barre Syndrome (“GBS”) within the time period set forth in the Vaccine Injury Table relative to an influenza (“flu”) vaccination that he received on December 5, 2017. Petition at 1; Stipulation, filed October 21, 2024, at ¶¶ 2-4. Petitioner alleges that decedent’s illness resulted in his death. She further alleges that there has been no prior award or settlement of a civil action for damages as a result of his condition and that his vaccine was administered in the United States. Petition at 1, 4; Stipulation at ¶¶ 3-5. “Respondent denies that decedent sustained a GBS Table injury; denies that the flu vaccine caused decedent’s alleged GBS; and

¹ Because this document 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 document 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 “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

denies that the flu vaccine caused decedent any other injury or decedent's death." Stipulation at ¶ 6.

Nevertheless, on October 21, 2024, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. I find the stipulation reasonable and adopt it as the decision of the Court in awarding damages, on the terms set forth therein.

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

A lump sum of \$140,000.00 in the form of a check payable to petitioner as legal representative of decedent's estate. Stipulation at ¶ 8. This amount represents compensation for all items of damages that would be available under § 15(a). *Id.*

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/Daniel T. Horner
Daniel T. Horner
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.