

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

██████████,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

*
*
*
*
*
*
*
*
*
*
*

No. 19-1188V
Special Master Christian J. Moran

Filed: November 20, 2024

Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC,
for Petitioner;
Mallori Browne Openchowski, United States Dep't of Justice, Washington, DC,
for Respondent.

UNPUBLISHED DECISION¹

On November 19, 2024, the parties filed a joint stipulation concerning the petition for compensation filed by ██████████ on August 13, 2019. Petitioner alleged that the influenza vaccine she received on September 25, 2016, which is contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. §100.3(a), caused her to suffer from a Table injury of GBS. Petitioner further alleges that she suffered the residual effects of this condition for more than six months. Petitioner

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), the parties have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. Any changes will appear in the document posted on the website.

represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition

Respondent denies that petitioner sustained a GBS Table injury; denies that the flu vaccine caused petitioner's alleged GBS or any other injury; and further denies that her current disabilities are a sequela of a vaccine-related injury. Nevertheless, the parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- a. A lump sum of \$204,020.13, which amount represents compensation for first year life care expenses (\$84,020.13) and combined pain and suffering, and past unreimbursable expenses (\$ 120,000.00), in the form of a check payable to petitioner;**
- b. An amount sufficient to purchase the annuity contract described in paragraph 10 below, paid to the life insurance company from which the annuity will be purchased (the "Life Insurance Company").**

These amounts represent compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment according to this decision and the attached stipulation.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.