

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

LYNNE RECTENWAL,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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No. 11-641V

Special Master Christian J. Moran

Filed: September 19, 2012

Damages; decision based on proffer;
influenza vaccine; shoulder injury;
attorneys' fees and costs.

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner;
Lisa A. Watts, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION AWARDING DAMAGES*

On October 4, 2011, Lynn Rectenwal filed a petition seeking compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-1 et seq., alleging that the influenza vaccination caused her to suffer an infection-related shoulder injury. On May 23, 2012, it was determined that Ms. Rectenwal is entitled to compensation under the Vaccine Act.

On September 17, 2012, respondent filed a Proffer on Award of Compensation, which petitioner agrees to. Based upon the record as a whole, the special master finds the proffer reasonable and that petitioner is entitled to an award as stated in the Proffer. Pursuant to the attached Proffer, the court awards petitioner:

1. **A lump sum payment of \$120,000.00 in the form of a check payable to petitioner. This amount represents all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled.**

* The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

2. **A lump sum payment of \$14,504.08 in the form of a check payable to petitioner and petitioner's attorney, Ronald C. Homer, Esq., for attorneys' fees and costs.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.

Any questions may be directed to my law clerk, Jennifer C. Chapman, at (202) 357-6358.

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master

awarded:

- 1) A lump sum of **\$120,000.00** in the form of a check payable to petitioner. This amount represents all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled.
- 2) A lump sum of **\$14,504.08** in the form of a check payable to petitioner and petitioner's attorney, Ronald C. Homer, Esq., for attorneys' fees and costs. Petitioner agrees to endorse this payment to petitioner's attorney.

III. SUMMARY OF RECOMMENDED PAYMENTS FOLLOWING JUDGMENT

A.	Lump sum to petitioner	\$120,000.00
B.	Attorneys' Fees and Costs paid jointly to petitioner and her counsel	\$ 14,504.08

Respectfully submitted,

STUART F. DELERY
ACTING ASSISTANT ATTORNEY GENERAL

RUPA BHATTACHARYYA
DIRECTOR
Torts Branch, Civil Division

VINCENT J. MATANOSKI
Acting Deputy Director
Torts Branch, Civil Division

MICHAEL P. MILMOE
Senior Trial Counsel
Torts Branch, Civil Division

s/Lisa A. Watts
LISA A. WATTS
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DATED: September 17, 2012.