

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

No. 10-830V

(E-Filed: January 5, 2012)

MARGARET CLANTON)	
)	
Petitioner,)	Flu vaccine; Guillain-Barre
)	Syndrome (“GBS”);
v.)	Stipulation of damages;
)	Award and attorney’s fees
SECRETARY OF THE DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

Stephen Leshner, Phoenix, AZ, for petitioner.

Alexis Babcock, Washington, DC, for respondent.

DECISION¹

On December 3, 2010, Margaret Clanton (“petitioner”) filed a petition for compensation alleging that she suffered certain injuries as a result of receiving a vaccination. Petitioner alleges that she suffered from Guillain-Barre Syndrome (“GBS”) that was caused-in-fact by her influenza vaccination. She sought an award under the National Vaccine Injury Compensation Program² (“Vaccine Program”). 42 U.S.C. §§ 300aa-1 to -34 (2006).

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request 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). Otherwise, “the entire” decision will be available to the public. 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 (2006) (“Vaccine Act” or “Act”). All citations in this decision to individual sections of the Act are to 42 U.S.C.A. § 300aa.

On January 5, 2012, counsel for both parties filed a stipulation, stating that a decision should be entered awarding compensation and that the parties had also reached an agreement regarding attorney's fees and costs. The parties stipulated that petitioner should receive the following compensation:

A lump sum of \$25,000.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).

Stipulation ¶ 8(a).

The parties further stipulated that they had reached the following agreement with respect to attorney's fees:

A lump sum of \$18,205.66 in the form of a check payable to petitioner and petitioner's attorney, for attorney's fees and costs available under 42 U.S.C. § 300aa-15(e), and in compliance with General Order No. 9, no out-of-pocket expenses were incurred by petitioner in proceeding on the petition.

Stipulation ¶ 8(b).

The undersigned approves the requested amount for petitioner's compensation. Accordingly, an award should be made in the form of a check payable to petitioner in the amount of \$25,000.00. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

The undersigned also approves the requested amount for attorney's fees and costs as reasonable. Accordingly, an award should be made in the form of a check payable jointly to petitioner and Mr. Stephen Leshner in the amount of \$18,205.66. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.⁴

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia Campbell-Smith
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

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