

**In the United States Court of Federal Claims**

**OFFICE OF SPECIAL MASTERS**

**No. XX-XXXV**

**E-Filed: October 28, 2010;**

**Re-Issued for Redaction on November 12, 2010**

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JANE DOE/95,

\*

UNPUBLISHED

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Petitioner,

\*

Trivalent Influenza Vaccine;

\*

Acute Demyelinating

v.

\*

Encephomyelitis (ADEM);

\*

Stipulated Decision

SECRETARY OF HEALTH

\*

AND HUMAN SERVICES,

\*

\*

Respondent.

\*

\* \* \* \* \*

**DECISION**<sup>1</sup>

On September 14, 2009, Jane Doe/95 (“petitioner”), filed a petition for compensation alleging that she suffered certain injuries as a result of receiving a vaccination. Among the injuries petitioner alleged that she has suffered as a result of receiving a trivalent influenza vaccination was acute demyelinating encephomyelitis (“ADEM”). She sought an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program<sup>2</sup> (the Act or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2006).

<sup>1</sup> Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless the decisions contain trade secrets or commercial or financial information that is privileged or confidential, or the decisions contain medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. Within 14 days of the filing of a decision or substantive order with the Clerk of the Court, a party may identify and move for the redaction of privileged or confidential information before the document’s public disclosure.

<sup>2</sup> 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 the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

On October 22, 2010, counsel for both parties filed a stipulation, stating that a decision should be entered awarding compensation.<sup>3</sup> The parties stipulated that petitioner shall receive the following compensation:

A lump sum of \$20,000.00 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.

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 \$20,000. 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.<sup>4</sup>

**IT IS SO ORDERED.**

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

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<sup>3</sup> The originally issued decision indicated that the parties had reached an agreement regarding attorneys' fees and costs. In fact, the parties indicated that they would submit to further proceedings before the undersigned to award reasonable attorneys' fees and costs once petitioner filed a timely election to accept judgment.

<sup>4</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.