

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-159

Filed: September 26, 2011

LINDA HERRERA,)	
)	NOT TO BE PUBLISHED
Petitioner,)	
)	
v.)	Stipulation; influenza (flu) vaccine;
)	Guillain-Barre Syndrome (GBS);
SECRETARY OF)	attorneys' fees and costs
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

F. John Caldwell, Jr., Maglio Christopher & Toale, Sarasota, F.L., for Petitioner;
Lisa A. Watts, United States Dep't of Justice, Washington, D.C., for Respondent.

DECISION¹

LORD, Special Master.

On September 20, 2011, the parties in the above-captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of compensation in this case. Petitioner, Linda Herrera, alleged that she suffered the onset of Guillain Barre Syndrome ("GBS") that was caused-in-fact by the influenza vaccine that she received on October 17, 2007, which vaccine is contained in the Vaccine Injury Table, 42 C.F.R § 100.3(a). Ms. Herrera further alleges that she experienced the residual effects of her condition for more than six months. Ms. Herrera seeks compensation related to this injury pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10 to 34.

Respondent denies that the influenza vaccine caused Ms. Herrera's GBS, and denies that Ms. Herrera experienced the residual effects of any vaccine-related injury for more than six months. Nonetheless, the parties have agreed informally to resolve this matter.

The court hereby ADOPTS the parties' said Stipulation, attached hereto as Appendix A, and awards compensation in the amount and on the terms set forth therein. Specifically, Petitioner is awarded:

¹ As provided by Vaccine Rule 18(b), each party has 14 days within which to request the redaction "of any information furnished by that party (1) that is 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." Rules of the United States Court of Federal Claims (RCFC), Appendix B, Vaccine Rule 18(b). In the absence of a timely objection, the entire document will be made publicly available.

- a. **A lump sum of \$100,000.00, in the form of a check payable to Petitioner**, which amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a);
- b. **A lump sum of \$12,157.90 in the form of a check payable to petitioner and petitioner's attorney, F. John Caldwell, Jr., Esq.**, for attorneys' fees and costs, available under 42 U.S.C. § 300aa-15(e). In compliance with General Order #9, petitioner represents that all litigation costs were paid by her attorney and that she did not personally incur any costs in proceeding on the petition.

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

s/Dee Lord
Dee Lord
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.