

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

ROBERT A. BRUCE,

*

No. 08-640V

*

Special Master Christian J. Moran

Petitioner,

*

*

v.

*

Filed: October 19, 2011

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Damages; decision based on
proffer; trivalent influenza

*

vaccination; transverse myelitis;

*

Respondent.

*

acute disseminated

encephalomyelitis.

David L. Terzian, Rawls & McNelis P.C., Richmond, VA, for Petitioner;
Ryan D. Pyles, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION AWARDING DAMAGES*

On September 10, 2008, Robert A. Bruce filed a petition seeking compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-1 et seq., alleging that the trivalent influenza vaccination was the cause-in-fact of transverse myelitis and/or acute disseminated encephalomyelitis. In a decision dated, March 3, 2010, the undersigned held that Mr. Bruce was entitled to compensation.

On October 19, 2011, 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

* Because this published decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, petitioner has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

reasonable and that petitioner is entitled to an award as stated in the Proffer. Pursuant to the attached Proffer (attached as Appendix A), the court awards petitioner:

A lump sum payment of \$7,312,500.00 representing compensation for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled.

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.¹

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

¹ The November 8, 2011 hearing and all preexisting deadlines are CANCELLED.

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_____)	
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Petitioner,)	
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v.)	No. 08-640V
)	Special Master Christian J. Moran
SECRETARY OF HEALTH)	
AND HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On March 3, 2010, the Special Master filed an “Unpublished Ruling on Entitlement,” in which he adjudged that petitioner is entitled to reasonable compensation under the terms of the Vaccine Act. In light of this decision, respondent proffers that petitioner receive an award of a lump sum of **\$7,312,500.00** in the form of a check payable to petitioner. This amount represents compensation for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled.

Petitioner’s counsel represented to respondent that petitioner agrees with the proffered award of \$7,312,500.00.

Respectfully submitted,

TONY WEST
Assistant Attorney General

MARK W. ROGERS
Acting Director
Torts Branch, Civil Division

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

CATHARINE E. REEVES
Assistant Director
Torts Branch, Civil Division

s/ RYAN D. PYLES
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Dated: October 19, 2011