

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

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PATRICIA DAVIS,

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No. 08-722V

Petitioner,

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Special Master Moran

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v.

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Filed: January 19, 2010

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Stipulation; influenza (flu) vaccine,  
reactive arthritis, brachial neuritis.

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Respondent.

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UNPUBLISHED DECISION<sup>1</sup>

Neal J. Fialkow, Esq., Pasadena, CA for Petitioner;

Lisa A. Watts, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

On January 12, 2010, the parties filed a joint stipulation concerning the petition for compensation filed by Patricia Davis on October 14, 2008. In her petition, Ms. Davis alleged that the influenza (“flu”) vaccine, which is contained in the Vaccine Injury Table, 42 C.F.R. §100.3 (a), and which Ms. Davis received on October 24, 2005, caused her to develop reactive arthritis and/or brachial neuritis.

Respondent denies that Ms. Davis’s injuries, to include reactive arthritis and/or brachial neuritis, were caused by her receipt of the influenza vaccine.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

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, the person submitting the information has 14 days to identify and to move to delete such information before the document’s disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- A. A lump sum payment of \$75,000.00, in the form of a check payable to petitioner.**
  
- B. A lump sum payment of \$50,005.41, in the form of a check payable to petitioner and petitioner's attorney, Neal J. Fialkow, Esq., for attorney's fees and costs, and, in compliance with General Order No. 9, no out-of-pocket expenses were incurred by petitioner in proceeding on the petition.**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 08-722V according to this decision and the attached stipulation.

Any questions may be directed to Francina Segbefia at (202) 357-6358.

IT IS SO ORDERED.

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Christian J. Moran  
Special Master