

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

John Doe 85, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

No. 08-668V
Special Master Christian J. Moran

Filed: August 31, 2010

Stipulation; trivalent flu vaccine;
Guillian-Barré syndrome

UNPUBLISHED DECISION¹

Altom M. Maglio, Esq., Maglio Christopher and Toale, Sarasota, FL, for Petitioner;
Debra A. Filteau Begley, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

On August 27, 2010, the parties filed a joint stipulation concerning the petition for compensation filed by Eric Greenfield on September 22, 2008. In his petition, Mr. Greenfield alleged that the trivalent flu vaccine, which is contained in the Vaccine Injury Table, 42 C.F.R. §100.3(a), and which Mr. Greenfield received on January 30, 2008, caused him to suffer from Guillian-Barré syndrome (“GBS”), the effects of which have occurred for more than six months.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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

Respondent denies that Mr. Greenfield suffered from GBS as a result of the vaccination and denies that his current disabilities are sequela of that alleged injury.

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 lump sum payment of \$215,000.00 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).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 08-668V according to this decision and the attached stipulation.

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