

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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* Special Master Christian J. Moran

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Petitioners,

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v.

* Stipulation; Trivalent influenza
* (“flu”) vaccine; mononeuropathy
* and esotropia.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

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Respondent.

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Ramon Rodriguez, III, Rawls, McNelis & Mitchell, P.C., for Petitioner;
Glenn A. Macleod, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On _____ respondent filed a joint stipulation concerning the petition for compensation filed by _____

In their petition, _____ alleged that the Trivalent influenza (“flu”) vaccine which _____ received on _____ which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), caused her to suffer mononeuropathy of the 6th cranial nerve and esotropia. Petitioners represent that there has been no prior award or settlement of a civil action for damages on _____ behalf as a result of her alleged vaccine injury.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Respondent denies that the flu vaccine caused alleged mononeuropathy of the 6th cranial nerve and esotropia or any other injury, and further denies that her current disabilities are a sequela of a vaccine-related 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 of \$175,000.00 in the form of a check payable to petitioners, representing compensation for all damages 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 according to this decision and the attached stipulation.²

Any questions may be directed to my law clerk, Marc Langston, at (202) 357-6392.

IT IS SO ORDERED.

s/ Christian J. Moran
Christian J. Moran
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.