

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

KOREY FLOYD,	*	
	*	No. 13-556V
Petitioner,	*	Special Master Christian J. Moran
	*	

v.

SECRETARY OF HEALTH	*	Filed: May 2, 2016
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

Ronald Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner;
Alexis Babcock, U.S. Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On May 2, 2016, the parties filed a joint stipulation concerning the petition for compensation filed by Korey Floyd on August 8, 2013. In his petition, petitioner alleged that the influenza vaccine, which is contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. § 100.3(a), and which he received on October 18, 2012, caused him to a neurological demyelinating injury. Petitioner further alleges that he suffered the residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on his behalf as a result of his condition.

Respondent denies that the influenza vaccine caused petitioner to a demyelinating injury, or any other injury.

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), 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.

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 \$262,744.51 in the form of a check payable to petitioner, Korey Floyd. This amount represents compensation for first year life care expenses, combined lost earnings and pain and suffering, and past unreimbursable expenses.

b. A lump sum of \$121,053.50, in the form of a check jointly payable to petitioner, Korey Floyd, and

**North Carolina Division of Medical Assistance
Office of the Controller
2022 Mail Service Center
Raleigh, NC 27699-2022
Case No: 226982**

which amount represents reimbursement of a lien for services rendered on behalf of petitioner.

c. A lump sum of \$147,030.61, in the form of a check jointly payable to petitioner, Korey Floyd, and

**West Virginia DHHR/HMS Tort Recovery
P.O. 11073
Charleston, WV 25339
Case No: 133326**

d. An amount sufficient to purchase the annuity contract described in paragraph 10 of Appendix A, paid to the life insurance company from which the annuity will be purchased.

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 13-556V according to this decision and the attached stipulation.²

Any questions may be directed to my law clerk, Dan Hoffman, at (202) 357-6360.

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.