

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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PATRICIA HUHMANN,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\* \* \* \* \*

\* No. 13-903V  
\* Special Master Christian J. Moran

\* Filed: August 29, 2014

\* Damages; decision based on proffer;  
\* influenza (“flu”) vaccine; shoulder  
\* injury related to vaccine  
\* administration (“SIRVA”).

Kathy A. Lee, Cline, Farrell, et al., Indianapolis, IN, for petitioner;  
Claudia B. Gangi, United States Dep’t of Justice, Washington, DC, for respondent.

### UNPUBLISHED DECISION AWARDING DAMAGES<sup>1</sup>

On November 13, 2013, Patricia Huhmann filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §300 a-10 through 34 (2006), alleging that she suffered pain in her left shoulder secondary to the influenza (“flu”) vaccine she received in her left arm on November 16, 2010. The undersigned ruled that Ms. Huhmann is entitled to compensation under the Vaccine Act. Ruling, issued on May 13, 2014.

On August 26, 2014, respondent filed a Proffer on Award of Compensation, to which petitioner agrees. Based upon the record as a whole, the special master finds the proffer reasonable and that petitioner is entitled to an award as stated in the Proffer. Pursuant to the attached Proffer, with Tab A, the court awards petitioner:

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<sup>1</sup> 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.

**A lump sum payment of \$120,000.00 representing compensation for lost earnings (\$4,480.00), pain and suffering (\$114,344.03), and past unreimbursable expenses (\$1,175.97), in the form of a check payable to petitioner, Patricia Huhmann.**

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.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS

_____	)	
PATRICIA HUHMANN,	)	
	)	
Petitioner,	)	
	)	<b>No. 13-903V</b>
v.	)	<b>Special Master Moran</b>
	)	<b>ECF</b>
SECRETARY OF HEALTH AND	)	
HUMAN SERVICES,	)	
	)	
Respondent.	)	
_____	)	

**RESPONDENT’S PROFFER ON AWARD OF COMPENSATION**

**I. Items of Compensation**

A. Future Medical Care Expenses

Respondent proffers that based on the evidence of record, petitioner is not entitled to an award for projected unreimbursable medical care expenses incurred from the date of judgment as provided under 42 U.S.C. § 300aa-15(a)(1)(A). Petitioner agrees.

B. Lost Earnings

The parties agree that based upon the evidence of record, Patricia Huhmann has suffered a past loss of earnings as a result of her vaccine-related injury. Therefore, respondent proffers that the Court should award Patricia Huhmann a lump sum of \$4,480.00 for her lost earnings as provided under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(3)(A). Petitioner agrees.

C. Pain and Suffering

Respondent proffers that the Court should award Patricia Huhmann a lump sum of \$114,344.03 for her actual and projected pain and suffering. This amount reflects that the award

for projected pain and suffering has been reduced to net present value. See § 300aa-15(a)(4).

Petitioner agrees.

D. Past Unreimbursable Expenses

Evidence supplied by petitioner documents Patricia Huhmann's expenditure of past unreimbursable expenses as a result of her vaccine-related injury. Respondent proffers that the Court should award Patricia Huhmann a lump sum of \$1,175.97 for past unreimbursable expenses as provided under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(1)(A). Petitioner agrees.

E. Medicaid Lien

Petitioner represents that there are no outstanding Medicaid liens related to her vaccine-related injury.

**II. Form of the Award**

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment as described below and request that the Special Master's decision and the Court's judgment award the following<sup>1</sup>: a lump sum payment of \$120,000.00, representing compensation for lost earnings (\$4,480.00), pain and suffering (\$114,344.03), and past unreimbursable expenses (\$1,175.97), in the form of a check payable to petitioner, Patricia Huhmann.

**III. Summary of Recommended Payment Following Judgment**

Lump sum payable to petitioner:	<b>\$120,000.00</b>
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<sup>1</sup> Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future pain and suffering.

Respectfully submitted,

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Assistant Attorney General

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Director  
Torts Branch, Civil Division

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Deputy Director  
Torts Branch, Civil Division

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/s/ Claudia B. Gangi  
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Dated: August 26, 2014