

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

KEITH SAUNDERS, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

No. 15-233V
Special Master Christian J. Moran

Filed: March 2, 2016

Stipulation; influenza (“flu”) vaccine; polymyalgia rheumatica (“PMR”).

Carol L. Gallagher, Carol L. Gallagher, Esquire, LLC, Linwood, NJ, for Petitioner; Jennifer L. Reynaud, U.S. Dep’t of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On March 2, 2016, respondent filed the parties’ joint stipulation concerning the petition for compensation filed by Keith Saunders on March 6, 2015. Petitioner alleges the influenza (“flu”) vaccine, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. § 100.3(a), and which Mr. Saunders received on September 16, 2013, caused him to sustain a vaccine-related injury diagnosed as polymyalgia rheumatica ("PMR"). Petitioner represents that there has been no prior award or settlement of a civil action for damages as a result of his condition.

Respondent denies that the flu vaccination caused petitioner’s PMR or any other injury or condition.

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 lump sum payment of \$30,000.00 in the form of a check payable to petitioner, Keith Saunders. 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 15-233V according to this decision and the attached stipulation.²

Any questions may be directed to my law clerk, Shannon Proctor, 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.