

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-1121V

Filed: November 20, 2024

* * * * *

HEATHER ADAMS *

Petitioner, *

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

* * * * *

Leah Durant, Esq., Law Offices of Leah V. Durant, PLLC, Washington, DC, for petitioner.
Ilana Greenberg, Esq., US Department of Justice, Washington, DC, for respondent.

DECISION ON PROFFER¹

Roth, Special Master:

On August 21, 2017, Heather Adams [“Ms. Adams or “petitioner”] filed a petition for compensation under the National Vaccine Injury Compensation Program.² Petitioner alleges that she developed Guillain-Barre Syndrome after receiving an influenza vaccine on November 8, 2016. Proffer, filed November 20, 2024, at ¶¶ 1-4. A Ruling on Entitlement issued on July 23, 2024, finding petitioner entitled to compensation. ECF No. 67.

On November 20, 2024, respondent filed a proffer agreeing to settle this case and describing the settlement terms. Respondent agrees to issue the following payment:

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

A lump sum of \$120,000.00 in the form of a check payable to petitioner, Heather Adams. This amount represents compensation for all damages that would be available under § 300aa-15(a).

I adopt the proffer attached hereto, and award compensation in the amount and on the terms set forth therein. The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/ Mindy Michaels Roth

Mindy Michaels Roth
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.

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HEATHER ADAMS,

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SECRETARY OF HEALTH AND
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No. 17-1121V
Special Master Roth
ECF

PROFFER ON AWARD OF COMPENSATION

On May 23, 2021, petitioner filed a Motion for a Ruling on the Record (“Motion”) arguing that she has established entitlement to compensation for Guillain-Barre Syndrome (“GBS”) resulting from an influenza vaccine. ECF No. 56. Respondent filed his Response to Petitioner’s Motion on February 3, 2022, recommending that entitlement to compensation be denied. ECF No. 64. On July 23, 2024, the Court issued a Ruling on Entitlement, finding that petitioner is entitled to compensation.¹ ECF No. 67.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$120,000.00, which represents all elements of compensation to which petitioner would be

¹ Respondent has no objection to the amount of the proffered award of damages set forth herein. Assuming the Special Master issues a damages decision in conformity with this proffer, respondent waives his right to seek review of such damages decision. However, respondent reserves his right, pursuant to 42 U.S.C. § 300aa-12(e), to seek review of the Special Master’s July 23, 2024, entitlement decision.

entitled under 42 U.S.C. § 300aa-15(a).² Petitioner agrees.

II. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment of \$120,000.00, in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

C. SALVATORE D’ALESSIO
Director
Torts Branch, Civil Division

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

VORIS JOHNSON
Assistant Director
Torts Branch, Civil Division

s/ Ilana S. Greenberg
ILANA S. GREENBERG
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Ben Franklin Station Washington, D.C.
20044-0146
Direct dial: (202) 514-0372
Email: Ilana.Greenberg@usdoj.gov

Dated: November 20, 2024

² Should petitioner die prior to the entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering.