

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: September 6, 2019

KATHLEEN FOX,

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No. 17-1738V

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Petitioner,

*

Special Master Sanders

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v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Stipulation for Award; Influenza
("flu") Vaccine; Guillain-Barré
Syndrome ("GBS").

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Respondent.

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Robert P. Goodwin, Walsh Roberts & Grace, Buffalo, NY, for Petitioner.

Darryl R. Wishard, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On November 6, 2017, Kathleen Fox ("Petitioner") filed a petition for compensation pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-10 to -34 (2012). Petitioner alleged that the influenza ("flu") vaccine she received on March 16, 2016, caused her to suffer from Guillain-Barré Syndrome ("GBS"). *See* Stip. at 1, ECF No. 33. Petitioner further alleged that she experienced the residual effects of her injury for more than six months. *Id.*

On September 6, 2019, the parties filed a stipulation in which they state that a decision should be entered awarding compensation to Petitioner. *Id.* at 2. Respondent denies that the flu vaccine caused or aggravated Petitioner's alleged GBS, or any other injury. *Id.* Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. I find the stipulation reasonable and adopt it as the decision of the Court in awarding damages, on the terms set forth therein.

¹ This Decision shall be posted on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2012)). **This means the Decision will be available to anyone with access to the Internet.** As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

² National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755.

The parties stipulate that Petitioner shall receive the following compensation:

(a.) **A lump sum of \$130,000.00, in the form of a check payable to [P]etitioner; and**

(b.) **A lump sum of \$12,550.83, which amount represents payment of a Medicaid lien for services rendered to [P]etitioner, in the form of a check payable jointly to [P]etitioner and New York State Department of Health, P.O. Box 415874, Boston, MA 02241-5874, Case # 198615. Petitioner agrees to endorse this payment to the New York State Department of Health.**

These amounts represent compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a), including pain and suffering and past expenses.

Id.

I approve the requested amount for Petitioner's compensation. Accordingly, an award should be made consistent with the stipulation.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.