

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

HARRY WILMORE, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

No. 17-2014V
Special Master Christian J. Moran

Filed: November 3, 2021

Stipulation; influenza (“flu”) vaccine;
acute demyelinating
encephalomyelitis (“ADEM”).

Lawrence R. Cohen, Saltz Mongeluzzi & Bendesky, Philadelphia, PA, for
Petitioner;
Adriana R. Teitel, United States Dep’t of Justice, Washington, DC, for
Respondent.

UNPUBLISHED DECISION¹

On November 2, 2021, the parties filed a joint stipulation concerning the petition for compensation filed by Harry Wilmore on December 21, 2017. Petitioner alleged that the influenza (“flu”) vaccine he received on August 17, 2016, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), caused him to suffer acute demyelinating encephalomyelitis (“ADEM”). 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.

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.

Respondent denies that the flu vaccine either caused petitioner to suffer from ADEM or any other injury or his current condition.

Nevertheless, the parties agree to the joint stipulation, attached hereto. 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 \$191,872.19 in the form of a check payable to petitioner. This amount represents compensation for combined first-year life care expenses, pain and suffering, and past unreimbursable expenses.**
- b. An amount sufficient to purchase the annuity contract described in paragraph 10 of the stipulation, paid to the life insurance company from which the annuity will be purchased.**

These amounts represent 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 according to this decision and the attached stipulation.²

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.