

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

\* \* \* \* \*  
 DEREK ROBERTS, as personal \*  
 Representative of the Estate of \*  
 WILLIE ROBERTS, JR., deceased, \*  
 \* No. 18-1156V  
 \* Petitioner, \* Special Master Christian J. Moran  
 \*  
 v. \* Filed: August 12, 2020  
 \*  
 SECRETARY OF HEALTH \* Stipulation; influenza (“flu”)  
 AND HUMAN SERVICES, \* vaccine; transverse myelitis  
 \* (“TM”).  
 \*  
 Respondent. \*  
 \* \* \* \* \*

Theodore J. Hong, Maglio Christopher & Toale, Seattle, WA, for Petitioner;  
Voris E. Johnson, United States Dep’t of Justice, Washington, DC, for Respondent.

### UNPUBLISHED DECISION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

On August 12, 2020, the parties filed a joint stipulation concerning the petition for compensation filed by Derek Roberts on behalf of his deceased father Willie Roberts, Jr., on August 8, 2018. Petitioner alleged that the influenza (“flu”) vaccine Mr. Roberts received on September 24, 2014, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), caused him to suffer transverse myelitis (“TM”). Petitioner further alleges that Mr. Roberts 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 Mr. Roberts’s behalf as a result of his condition.

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<sup>1</sup> 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 vaccines either caused or significantly aggravated Mr. Roberts's alleged injury or any other injury.

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 lump sum payment of \$125,000.00 in the form of a check payable to petitioner, Derek Roberts, as Administrator of the Estate of Willie Roberts, Jr. 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 18-1156V according to this decision and the attached stipulation.<sup>2</sup>

**IT IS SO ORDERED.**

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

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<sup>2</sup> 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.