

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-430V

Filed: April 29, 2025

* * * * *

JULIE MCNAMARA, *Administrator of* *
Estate of Amy Thompson, *

Petitioner, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

* * * * *

Ronald C. Homer, Esq., Conway, Homer, P.C., Boston, MA, for petitioner.
Christopher Pinto, Esq., US Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

Roth, Special Master:

On March 22, 2019, Amy Thompson filed a petition for compensation under the National Vaccine Injury Compensation Program,² alleging that she developed transverse myelitis (“TM”) as a result of the influenza (“flu”) vaccine she received on October 4, 2016. Petition, ECF No. 1; Stipulation, filed April 29, 2025, at ¶¶ 1-4. In 2023, Ms. Thompson passed away, and the case caption was amended to reflect Julie McNamara (“petitioner”), the administrator of Ms. Thompson’s estate, as the petitioner in this case. ECF Nos. 70, 73. Respondent denies that the aforementioned immunization caused petitioner’s injury. Stipulation at ¶ 6.

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).

Nevertheless, the parties have agreed to settle the case. On April 29, 2025, the parties filed a joint stipulation agreeing to settle this case and describing the settlement terms.

Respondent agrees to issue the following payment:

- a. A lump sum of **\$108,000.00** to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner as the personal representative of the estate of Amy Thompson; and
- b. A lump sum of **\$14,462.78** to satisfy a State of Illinois Medicaid lien, in the form of a check made payable jointly to petitioner and:

Illinois Department of Healthcare and Family Services
Bureau of Collections
Personal Injury Unit
PO Box 19174
Springfield, Illinois 62794-9174
Case No: 93-244-0605133026

This amount represents compensation for all damages that would be available under § 300aa-15(a).

I adopt the parties' stipulation 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.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

_____)	
JULIE MCNAMARA,)	
Administrator of the Estate of)	
AMY THOMPSON, deceased,)	
)	
Petitioner,)	
)	No. 19-430V (ECF)
v.)	Special Master Roth
)	
SECRETARY OF HEALTH)	
AND HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

STIPULATION

The parties hereby stipulate to the following matters:

1. Julie McNamara (“petitioner”), as the administrator/personal representative of the estate of Amy Thompson (“AT”), filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 to -34 (the “Vaccine Program”).¹ The petition seeks compensation for injuries allegedly related to AT’s receipt of the influenza (“flu”) vaccine, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. § 100.3(a).
2. AT received the flu vaccination on October 4, 2016.
3. The vaccine was administered within the United States.

¹ The petition was originally filed by AT. The case caption was amended in April 2024 following AT’s death.

4. Petitioner alleges that as a result of receiving the flu vaccine, AT suffered the injury Transverse Myelitis (“TM”), and further alleges that AT experienced the residual effects of her injury for more than six months.

5. Petitioner represents that there has been no prior award or settlement of a civil action for damages on behalf of AT as a result of her condition.

6. Respondent denies that the flu vaccine caused AT’s alleged TM or any other injury, or her death.

7. Maintaining their above-stated positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding the compensation described in paragraph 8 of this Stipulation.

8. As soon as practicable after an entry of judgment reflecting a decision consistent with the terms of this Stipulation, and after petitioner has filed an election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), the Secretary of Health and Human Services will issue the following payments:

- a. A lump sum of **\$108,000.00** to be paid through an ACH deposit to petitioner’s counsel’s IOLTA account for prompt disbursement to petitioner as the personal representative of the estate of Amy Thompson; and
- b. A lump sum of **\$14,462.78²** to satisfy a State of Illinois Medicaid lien, in the form of a check made payable jointly to petitioner and:

Illinois Department of Healthcare and Family Services
Bureau of Collections
Personal Injury Unit
PO Box 19174
Springfield, Illinois 62794-9174
Case No: 93-244-0605133026

² This amount represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the State of Illinois may have against any individual as a result of any Medicaid payments the Illinois Department of Healthcare and Family Services has made to or on behalf of AT as a result of her alleged vaccine-related injury suffered in or around October 2016, under Title XIX of the Social Security Act, *see* 42 U.S.C. § 300aa-15(g), (h).

Petitioner agrees to endorse this check over to the Illinois Department of Healthcare and Family Services. These amounts represent compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioner has filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the parties will submit to further proceedings before the special master to award reasonable attorneys' fees and costs incurred in proceeding upon this petition.

10. Petitioner and her attorney represent that compensation to be provided pursuant to this Stipulation is not for any items or services for which the Program is not primarily liable under 42 U.S.C. § 300aa-15(g), to the extent that payment has been made or can reasonably be expected to be made under any State compensation programs, insurance policies, Federal or State health benefits programs (other than Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.)), or by entities that provide health services on a pre-paid basis.

11. Payments made pursuant to paragraph 8 of this Stipulation, and any amounts awarded pursuant to paragraph 9 of this Stipulation, will be made in accordance with 42 U.S.C. § 300aa-15(i), subject to the availability of sufficient statutory funds.

12. Petitioner represents that she is currently authorized to serve as the personal representative of AT's estate under the laws of the state of Illinois and she has filed a copy of her letters of authority with the Court. If petitioner is no longer authorized by a court of competent jurisdiction to serve as the personal representative of AT's estate at the time payment pursuant to this Stipulation is to be made, any such payment shall be paid to the party or parties appointed by

a court of competent jurisdiction to serve as the personal representative of the estate of AT upon submission of written documentation of such appointment to the Secretary.

13. In return for the payments described in paragraph 8 and any amounts awarded pursuant to paragraph 9, petitioner, in her individual capacity and as the personal representative of AT's estate, on petitioner's own behalf, and on behalf of AT's heirs, executors, administrators, successors or assigns, does forever irrevocably and unconditionally release, acquit and discharge the United States and the Secretary of Health and Human Services from any and all actions, causes of action (including agreements, judgments, claims, damages, loss of services, expenses and all demands of whatever kind or nature) that have been brought, could have been brought, or could be timely brought in the Court of Federal Claims, under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa 10 et seq., on account of, or in any way growing out of, any and all known or unknown, suspected or unsuspected personal injuries to or death of AT resulting from, or alleged to have resulted from, the flu vaccine administered on or about October 4, 2016, as alleged in the petition for vaccine compensation filed on March 22, 2019, in the United States Court of Federal Claims as petition No. 19-430V.

14. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation or if the Court of Federal Claims fails to enter judgment in conformity with a decision that is in complete conformity with the terms of this Stipulation, then the parties' settlement and this Stipulation shall be voidable at the sole discretion of either party.

15. This Stipulation expresses a full and complete negotiated settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended, except as otherwise noted in paragraph 9 above. There is absolutely no agreement on the part of the parties hereto to make any payment or to do any act or thing other than is herein expressly stated

and clearly agreed to. The parties further agree and understand that the award described in this stipulation may reflect a compromise of the parties' respective positions as to liability and/or amount of damages.

16. This Stipulation shall not be construed as an admission by the United States or the Secretary of Health and Human Services that the flu vaccine caused AT's alleged TM, any other injury, or her death.

17. All rights and obligations of petitioner hereunder in her capacity as the personal representative of AT's estate shall apply equally to petitioner's heirs, executors, administrators, successors, and/or assigns.

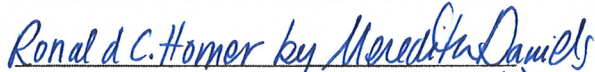
END OF STIPULATION

Respectfully submitted,


PETITIONER:


JULIE MCNAMARA

**ATTORNEY OF RECORD FOR
PETITIONER:**


RONALD C. HOMER *Rule 83.1(c)(2)*
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**AUTHORIZED REPRESENTATIVE
OF THE ATTORNEY GENERAL:**


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P.O. Box 146
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Washington, DC 20044-0146

**AUTHORIZED REPRESENTATIVE
OF THE SECRETARY OF HEALTH
AND HUMAN SERVICES:**

Jeffrey S. Beach -S Digitally signed by
Jeffrey S. Beach -S
Date: 2025.04.16
12:33:37 -04'00' for
CAPT GEORGE REED GRIMES, MD, MPH
Director, Division of Injury
Compensation Programs
Health Systems Bureau
Health Resources and Services
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Dated: 29 April 2025