

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-720V

LAURA LUNSFORD,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 7, 2025

Sean Frank Greenwood, Greenwood Law Firm, Houston, TX, for Petitioner.

Camille Jordan Webster, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On January 12, 2021, Laura Lunsford filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she suffered a shoulder injury related to vaccine administration (“SIRVA”) following an influenza vaccine administered on September 27, 2019. Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 26, 2023, petitioner filed a Motion for a Ruling on the Record in support of her petition. ECF No. 44. Respondent filed his Response to Petitioner’s Motion on August 8, 2023, and petitioner filed a reply on August 15, 2023. ECF Nos. 45, 47. On

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 section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

September 26, 2024, a ruling on entitlement was issued, finding Petitioner entitled to compensation for a SIRVA.³

On April 3, 2025, Respondent filed a proffer on award of compensation indicating Petitioner should be awarded \$45,000.00 for pain and suffering. Respondent's Proffer on Award of Compensation ("Proffer") at 2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the Proffer, **I award Petitioner a lump sum payment of \$45,000.00, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of Court is directed to enter judgment in accordance with this decision.⁴

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Respondent stated in the proffer that they do not object to the proffered award, but reserves the right to seek review of the entitlement decision. Proffer at 1 n.1.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

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SECRETARY OF HEALTH AND
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No. 21-720V

Chief Special Master Brian H. Corcoran
ECF

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On January 12, 2021, Laura Lunsford (“petitioner”) filed a petition for compensation (“Petition”) under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (“Vaccine Act” or “Act”), alleging that she suffered a shoulder injury related to vaccine administration (“SIRVA”) in her left shoulder as a result of an influenza (“flu”) vaccine administered on September 27, 2019. Petition at 1-2. On June 26, 2023, petitioner filed a Motion for a Ruling on the Record (“Motion”) in support of her Petition. ECF No. 44. Respondent filed his Response to Petitioner’s Motion on August 8, 2023, and petitioner filed a reply on August 15, 2023. ECF Nos. 45, 47. On September 26, 2024, the Court issued a Ruling on Entitlement, finding that petitioner is entitled to compensation.¹ ECF No. 49.

¹ Respondent has no objection to the amount of the proffered award of damages set forth herein. Assuming the Chief 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 Chief Special Master’s September 26, 2024 entitlement decision.

I. Item of Compensation

Pain and Suffering

Respondent proffers that petitioner should be awarded \$45,000.00 in pain and suffering.

See 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

This amount represents all elements of compensation to which petitioner would be 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 \$45,000.00 to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner.

Respectfully submitted,

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Torts Branch, Civil Division

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.

/s/CAMILLE J. WEBSTER
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