

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

Filed: August 12, 2024

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TERESA VICKERS,  
*as personal representative of,*  
ESTATE OF WANDA SOVINE,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\* \* \* \* \*

No. 22-204V

Special Master Gowen

*Leah V. Durant*, Law Offices of Leah V. Durant, Washington, D.C., for petitioner.  
*Benjamin P. Warder*, U.S. Department of Justice, Washington, D.C., for respondent.

### DECISION ON STIPULATION<sup>1</sup>

On February 24, 2022, Teresa Vickers, as personal representative of the Estate of Wanda Sovine (“petitioner”), filed a claim in the National Vaccine Injury Compensation Program. Petition<sup>2</sup> (ECF No. 1). Petitioner alleges that the influenza (“flu”) vaccine received on September 22, 2020, caused her to develop Guillain-Barré syndrome (“GBS”), and subsequently her death on October 22, 2020. *Id.*

On August 12, 2024, respondent filed a stipulation providing that a decision should be entered awarding compensation to petitioner. Stipulation (“Stip.”) (ECF No. 36). Respondent denies Ms. Sovine’s GBS and subsequent death was caused by the flu vaccine. Stip. at ¶ 6.

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<sup>1</sup> Pursuant to the E-Government Act of 2002, *see* 44 U.S.C. § 3501 note (2012), because this opinion contains a reasoned explanation for the action in this case, I am required to post it on the website of the United States Court of Federal Claims. The court’s website is at <http://www.uscfc.uscourts.gov/aggregator/sources/7>. **This means the opinion will be available to anyone with access to the Internet.** Before the opinion is posted on the court’s website, each party has 14 days to file a motion requesting 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). “An objecting party must provide the court with a proposed redacted version of the decision.” *Id.* **If neither party files a motion for redaction within 14 days, the opinion will be posted on the court’s website without any changes.** *Id.*

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

Maintaining their respective positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding compensation to petitioner according to terms of the stipulation attached hereto as Appendix A. *Id.* at ¶.

The stipulation awards:

- a) **A lump sum payment of \$215,000.00, in the form of a check payable to petitioner as personal representative on behalf of the Estate of Wanda Sovine. This amount represents compensation for all damages that would be available under 42 U.S.C. § 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 **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Thomas L. Gowen**  
Thomas L. Gowen  
Special Master

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<sup>3</sup> Entry of judgment is expediated by each party's filing notice renouncing the right to seek review. Vaccine Rule 11(a).



6. Respondent denies that the flu vaccine caused Ms. Sovine to suffer from GBS or any other injury, and denies that Ms. Sovine's death is a sequela of a vaccine-related injury.

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 vaccine compensation payment:

A lump sum payment of **\$215,000.00**, in the form of a check payable to petitioner as personal representative on behalf of the Estate of Wanda Sovine. This amount represents 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 they have identified to respondent all known sources of payment for items or services for which the Vaccine Program is not primarily liable under 42 U.S.C. § 300aa-15(g), including 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 entities that provide health services on a pre-paid basis.

11. Payments made pursuant to paragraph 8 of this Stipulation, and any amount awarded pursuant to paragraph 9, 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 presently is, or within ninety days of the date of judgment will become, duly authorized to serve as the legal representative of Ms. Sovine's estate under the laws of the State of West Virginia. No payments pursuant to this Stipulation shall be made until petitioner provides the Secretary with documentation establishing petitioner's appointment as legal representative of Ms. Sovine's estate. If petitioner is not authorized by a court of competent jurisdiction to serve as legal representative of Ms. Sovine's estate at the time a 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 legal representative of Ms. Sovine's estate upon submission of written documentation of such appointment to the Secretary.

13. In return for the payment described in paragraph 8, and any amount awarded pursuant to paragraph 9, petitioner, in her individual capacity, and as personal representative on behalf of the estate of Wanda Sovine, and on behalf of Ms. Sovine'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 or 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 Ms. Sovine resulting from, or alleged to have resulted from the flu vaccine

administered on September 22, 2020, as alleged in a petition filed on February 24, 2022, in the United States Court of Federal Claims as petition No. 22-204V.

14. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation, or if the United States 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 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, and further, that a change in the nature of the injury or condition or in the items of compensation sought, is not grounds to modify or revise this agreement.

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 Ms. Sovine's alleged GBS, any other injury, or her death.

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

**END OF STIPULATION**

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Respectfully submitted,


**PETITIONER:**

  
TERESA VICKERS

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