

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 22-0210V

SEBASTIEN TEMPLETON *as personal representative of* ESTATE OF RAMSAY TEMPLETON,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 3, 2024

Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for Petitioner.

Bridget Corridon, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On February 24, 2022, Sebastian Templeton, as Personal Representative of the Estate of Ramsay Templeton, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”).³ Petitioner alleges that Ramsay Templeton suffered injuries, including Guillain-Barré syndrome (“GBS”) and death, resulting from an influenza (“flu”) vaccine received on October 19, 2019. Petition at 1. Petitioner further alleges the vaccine was received in

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).

³ The case was originally filed by Sabine Templeton, but on March 29, 2022, the caption was amended to name Sebastian Templeton as the petitioner based on recently obtained Letters of Administration naming him as the personal representative of the estate (ECF Nos. 7, 10).

the United States, Ramsay Templeton's injury resulted in death, and neither Petitioner, nor any other party, has ever received compensation in the form of an award or settlement for Ramsay Templeton's vaccine-related injury. Petition at ¶¶ 1, 6, 7. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 21, 2023, a ruling on entitlement was issued, finding Petitioner entitled to compensation for GBS, but dismissing the death claim as untimely. On April 3, 2024, Respondent filed a proffer on award of compensation ("Proffer") indicating Petitioner should be awarded \$180,000.00. 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 attached Proffer, **I award Petitioner a lump sum payment of \$180,000.00 (for pain and suffering) in the form of a check payable 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

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.

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

SEBASTIEN TEMPLETON, as
Personal Representative of the
ESTATE OF RAMSAY TEMPLETON,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 22-210V
Chief Special Master Corcoran
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PROFFER ON AWARD OF COMPENSATION¹

I. Procedural History

On February 24, 2022, Sebastien Templeton (petitioner), on behalf of the estate of the decedent, Ramsay Templeton, filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, as amended (“the Vaccine Act” or “the Act”), 42 U.S.C. §§ 300aa-1 to -34. Petitioner alleges that the decedent suffered Guillain-Barré syndrome (GBS) as a result of an influenza (flu) vaccine administered to him on October 19, 2019, at sixty-six years of age, which resulted in his death on November 17, 2019. *See* Petition. On April 14, 2023, respondent filed his Vaccine Rule 4(c) report, concluding that petitioner suffered GBS as defined by the Vaccine Injury Table, within the Table timeframe. ECF No. 23 at 1. Respondent recommended compensation be awarded for decedent’s surviving injury claim only, as petitioner’s additional claim for the death benefit (42 U.S.C. § 300aa-15(a)(2)) was untimely filed. *Id.* On November

¹ This Proffer does not include attorneys’ fees and costs, which the parties intend to address after the Damages Decision is issued.

21, 2023, Chief Special Master Corcoran issued a ruling on entitlement, finding that petitioner was entitled to compensation for a GBS Table injury claim. ECF No. 33 at 4. Chief Special Master Corcoran dismissed the death benefit claim as untimely. *Id.*

II. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded a lump sum of **\$180,000.00** for the decedent's past pain and suffering. This amount represents all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a).

Petitioner agrees.

III. Form of the Award

Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment, as described below, and requests that the Chief Special Master's decision and the Court's judgment award the following: A lump sum payment of **\$180,000.00** in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

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s/ Bridget A. Corridon
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DATED: April 3, 2024