In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: October 6, 2025
Corrected: December 3, 2025[1]

LINDA JOHNSON, as surviving spouse and legal representative of the estate of JOSEPH JOHNSON, SR.,	*	
Petitioner,	*	No. 23-347V
v.	*	Special Master Young
SECRETARY OF HEALTH AND HUMAN SERVICES,	*	
Respondent.	*	

Brian L. Cinelli, Schiffmacher Cinelli Adoff LLP, Buffalo, NY, for Petitioner.
Joseph Douglas Leavitt, United States Department of Justice, Washington, DC, for Respondent.

DECISION[2]

On March 9, 2023, Linda Johnson ("Petitioner") filed a petition for compensation pursuant to the National Vaccine Injury Compensation Program[3] on behalf of her deceased husband, Joseph Johnson, Sr. 42 U.S.C. §§ 300aa-10 to -34 (2012); Pet. at 1, ECF No. 1. Petitioner alleged that the influenza ("flu") vaccine Mr. Johnson received on January 11, 2021, caused his death. Pet. at

[1] This decision was originally issued on October 6, 2025. On December 2, 2025, Respondent filed a motion to strike the stipulation filed on October 6, 2025 (ECF No. 36) to correct the omission of page 3 from the original filing; Respondent concurrently filed a corrected stipulation (ECF No. 43). Thus, the Court hereby corrects its October 6, 2025 decision to include the corrected stipulation as filed on December 2, 2025. Other than the addition of this footnote and the substitution of the corrected stipulation, no other changes have been made to this decision.

[2] 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.

[3] National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

1.

On October 6, 2025, the parties filed a stipulation in which they state that a decision should be entered awarding compensation to Petitioner. Stip. at 2, ECF No. 36. Respondent "denies that Mr. Johnson suffered any injury as a result of the flu vaccine administered on or about January 11, 2021, and denies that Mr. Johnson's death was a sequala of his allegedly vaccine-related [acute disseminated encephalomyelitis]." *Id.* at 2. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. I find the stipulation reasonable and adopt it as the decision of the Court in awarding damages, on the terms set forth therein.

The parties stipulate that Petitioner shall receive the following compensation:

> **A lump sum payment of $325,000.00 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 42 U.S.C. § 300aa-15(a).**

Id. at 2.

I approve the requested amount for Petitioner's compensation. Accordingly, an award should be made consistent with the stipulation.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.[4]

IT IS SO ORDERED.

s/Herbrina D. S. Young
Herbrina D. S. Young
Special Master

[4] Pursuant to Vaccine Rule 11(a), entry of judgment is 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

LINDA JOHNSON, as Surviving Spouse and Legal Representative of the Estate of JOSEPH JOHNSON, SR., Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	No. 23-347V (ECF) Special Master Young

STIPULATION

The parties hereby stipulate to the following matters:

1. On March 9, 2023, petitioner filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 to -34 (the "Program"). The petition seeks compensation for an injury allegedly related to Joseph Johnson, Sr.'s receipt of the influenza ("flu") vaccine, which vaccine is contained in the Vaccine Injury Table, 42 C.F.R. § 100.3(a) (the "Table").

2. Mr. Johnson received a flu vaccine on January 11, 2021.

3. The vaccine was administered within the United States.

4. Petitioner alleges that Mr. Johnson developed acute disseminated encephalomyelitis ("ADEM") as a result of his vaccination. Petitioner further alleges that Mr. Johnson died as a result of his alleged vaccine injury.

5. Petitioner represents that there has been no prior award or settlement of a civil action for damages as a result of Mr. Johnson's alleged injury.

6. Respondent denies that Mr. Johnson suffered any injury as a result of the flu vaccine administered on or about January 11, 2021, and denies that Mr. Johnson's death was a sequela of his allegedly vaccine-related ADEM.

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 eight 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 **$325,000.00** 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 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 the 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. Payment made pursuant to paragraph eight and any amounts awarded pursuant to paragraph nine 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 presently is, or within 90 days of the date of judgment will become, duly authorized to serve as the legal representative of Joseph Johnson, Sr.'s estate under the laws of the State of Louisiana. No payments pursuant to this Stipulation shall be made until petitioner provides the Secretary with documentation establishing petitioner's appointment as legal representative of Joseph Johnson, Sr.'s estate. If petitioner is not authorized by a court of competent jurisdiction to serve as legal representative of the estate of Joseph Johnson, Sr., 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 the estate of Joseph Johnson, Sr., upon submission of written documentation of such appointment to the Secretary.

13. In return for the compensation described in paragraphs eight and nine, petitioner, in her individual capacity, and as legal representative of the estate of Joseph Johnson, Sr., on petitioner's own behalf and on behalf of the estate and Mr. Johnson's heirs, executors, administrators, successors, or assigns, does forever and 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 Mr. Johnson resulting from, or alleged to have resulted from, the flu vaccination administered on January 11, 2021, as alleged in a petition for vaccine compensation filed on or about March 9, 2023, in the United States Court of Federal Claims as petition No. 23-347V.

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, expect as otherwise noted in paragraph nine 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, 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 Mr. Johnson's alleged injuries or death, or any other injury.

17. All rights and obligations of petitioner hereunder shall apply equally to petitioner's heirs, executors, administrators, successors, and/or assigns as legal representative of the estate of Joseph Johnson, Sr.

END OF STIPULATION

Respectfully submitted,

PETITIONER:

LINDA JOHNSON

ATTORNEY OF RECORD FOR PETITIONER:

BRIAN L. CINELLI
Cinelli Adoff LLP
737 Main Street
Suite 100
Buffalo, NY 14203
Telephone: (716) 815-4722
bcinelli@scaattorneys.com

AUTHORIZED REPRESENTATIVE OF THE ATTORNEY GENERAL:

HEATHER L. PEARLMAN
Deputy Director
Torts Branch
Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146

AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF HEALTH AND HUMAN SERVICES:

Jeffrey S. Beach -S Digitally signed by Jeffrey S. Beach -S Date: 2025.06.27 13:35:54 -04'00' for

CAPT GEORGE REED GRIMES, MD, MPH
Director, Division of Injury
Compensation Programs
Health Systems Bureau
Health Resources and Services
Administration
U.S. Department of Health
and Human Services
5600 Fishers Lane, 08W-25A
Rockville, MD 20857

ATTORNEY OF RECORD FOR RESPONDENT:

JOSEPH D. LEAVITT
Trial Attorney
Torts Branch
Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
(202) 616-0515
joseph.leavitt@usdoj.gov

Dated: October 6, 2025