

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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████████████████████ \*

Petitioner, \*

v. \*

SECRETARY OF HEALTH \*

AND HUMAN SERVICES, \*

Respondent. \*

\* \* \* \* \*

No. 17-977V

Special Master Christian J. Moran

Filed: September 23, 2020

Stipulation; influenza (“flu”) vaccine;

shoulder injury related to vaccine

administration (“SIRVA”).

Brian L. Cinelli, Marcus & Cinelli, LLP, Williamsville, NY, for Petitioner;

Dhairya D. Jani, United States Dep’t of Justice, Washington, DC, for Respondent.

### UNPUBLISHED DECISION<sup>1</sup>

On September 23, 2020, the parties filed a joint stipulation concerning the petition for compensation filed by ██████████ on July 20, 2017. Petitioner alleged that the influenza vaccine she received on November 22, 2014, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), caused her to suffer from a shoulder injury related to vaccination administration (“SIRVA”). Petitioner further alleges that she suffered the residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition.

Respondent denies that the influenza vaccine caused petitioner to suffer a right shoulder injury and denies that petitioner sustained a SIRVA Table injury.

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<sup>1</sup> The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Nevertheless, the parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

**A lump sum payment of \$59,375.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment according to this decision and the attached stipulation.<sup>2</sup>

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.