

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

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JOAN BELL,

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No. 07-454V

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Petitioner,

\*

Special Master Christian J. Moran

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v.

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Filed: September 29, 2008

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

\*

Stipulation; influenza vaccine;  
brachial plexus neuritis

\*

Respondent.

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UNPUBLISHED DECISION<sup>1</sup>

Ronald C. Homer, Esq., Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner;  
Richard F. Topping, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

On September 25, 2008, the parties filed a joint stipulation concerning the petition for compensation filed by Joan Bell on June 28, 2007. In her petition, Ms. Bell alleged that the influenza vaccine, which vaccine is contained in the Vaccine Injury Table, 42 C.F.R. §100.3 (a), and which Ms. Bell received on October 29, 2001, caused her to develop brachial plexus neuritis.

Respondent denies that Ms. Bell’s condition was caused by her October 29, 2001 influenza immunization. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document’s disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

Damages awarded in that stipulation include:

**A lump sum payment of \$50,000.00 in the form of a check payable to petitioner.** This amount represents compensation for all damages that would be available pursuant to 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 in case 07-454V according to this decision and the attached stipulation.

Any questions may be directed to Francina Segbefia at (202) 357-6358.

IT IS SO ORDERED.

S/ Christian J. Moran

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Christian J. Moran  
Special Master