



Report from the Department of Justice

September 20, 2016

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Statistics

Reporting Period: 5/16/16 – 8/15/16

I. Total Petitions Filed in the United States Court of Federal Claims this reporting period: 276

A. Minors: 30

B. Adults: 246

Statistics

Reporting Period: 5/16/16 – 8/15/16

II. Total Petitions Adjudicated this reporting period: 233

A. Compensated: 180

i. Cases conceded by HHS: 67

1. Decision awarding damages: 0

2. Decision adopting Proffer: 65

3. Decision adopting Settlement: 2

ii. Cases not conceded by HHS: 113

1. Decision awarding damages: 0

2. Decision adopting Proffer: 0

3. Decision adopting Settlement: 113

B. Not Compensated/Dismissed: 53

i. Decision dismissing Non-OAP: 51

ii. Decision dismissing OAP: 2

Statistics

Reporting Period: 5/16/16 – 8/15/16

III. Total Petitions Voluntarily Withdrawn this reporting period (no judgment will be issued): 13

Appeals: U.S. Court of Appeals for the Federal Circuit

Recently Decided Cases

Appeals by Petitioner:

- *Milik v. HHS* (Entitlement): Affirmed per curiam
- Petitioners filed a combined petition for panel rehearing and en banc hearing, which was denied

All decisions are available on the CAFC's website: <http://www.cafc.uscourts.gov>

Appeals: U.S. Court of Appeals for the Federal Circuit

Pending Cases

Appeals by Petitioner:

- *R.K. v. HHS* (Entitlement)
- *Mora v. HHS* (Relief from Judgment)
- *Contreras v. HHS* (Entitlement)
- *Canuto v. HHS* (Entitlement)
- *R.V. v. HHS* (Entitlement)
- *Culligan v. HHS* (Entitlement-POI)
- *Fishkis v. HHS*: (Entitlement-POI)
- *Meylor v. HHS*: (Entitlement-POI)
- *Meylor v. HHS*: (Entitlement-POI)

*Yellow cases are new this reporting period

Appeals: U.S. Court of Federal Claims

Recently Decided Cases

Appeals by Petitioner:

- *R.V. v. HHS* (Entitlement): Affirmed
- *Marshall v. HHS* (Entitlement): Affirmed
- *Valle v. HHS* (Entitlement): Affirmed
- *Bean-Sasser v. HHS* (Entitlement): Affirmed
- *Murphy v. HHS* (Entitlement): Affirmed

*Yellow cases are new this reporting period

Appeals: U.S. Court of Federal Claims

Pending Cases

Appeals by Petitioner:

- *H.L. v. HHS* (Entitlement)
- *Tarsell v. HHS* (Entitlement)
- *Spahn v. HHS* (Entitlement)
- *Spahn v. HHS* (Redaction)
- *Holt v. HHS* (Entitlement)
- *Lasnetski v. HHS* (Entitlement)
- *Curran v. HHS* (Attorneys' Fees and Costs)

Appeals by Respondent:

- *Simmons v. HHS* (Attorneys' Fees and Costs)
- *Allicock v. HHS* (Attorneys' Fees and Costs)

- *Copenhaver v. HHS* (Entitlement)
- *Rus v. HHS* (Entitlement)
- *Brannigan v. HHS* (Interim Attorneys' Fees and Costs)
- *Rich v. HHS* (Entitlement)
- *Raymo v. HHS* (Attorneys' Fees and Costs)
- *Reiling v. HHS* (Interim Attorneys' Fees and Costs)
- *Day v. HHS* (Interim Damages)
- *Garrison v. HHS* (Interim Attorneys' Fees and Costs)

*Yellow cases are new this reporting period

Scheduled Oral Arguments

U.S. Court of Appeals for the Federal Circuit:

- None scheduled at this time.

U.S. Court of Federal Claims:

- None scheduled at this time.

Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
1. Dtap; IPV; Hep B; Hib; PCV	Encephalopathy; Seizure Disorder; Profound Developmental Delays	6 Years, 5 Months
2. HPV and Meningococcal Vaccines	Syncopal Seizure; Post-Vaccination Encephalopathy	5 Years, 11 Months
3. Flu	Postural Orthostatic Tachycardia Syndrome	4 Years, 5 Months
4. Flu	Vaccine; Stroke Death	3 Years, 11 Months
5. Flu	Bullous Dermatitis	3 Years, 10 Months
6. Flu	Dermatomyositis	3 Years, 4 Months
7. DtaP	Overlap Syndrome	3 Years, 3 Months
8. Td	SIRVA	3 Years, 2 Months
9. TDaP	Chronic Inflammatory Demyelinating Polyneuropathy	2 Years, 10 Months
11. Flu	GBS; CIDP	2 Years, 9 Months

*Terms of compensated settlements memorialized by Stipulation

(continued . . .)

Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
12. Flu	GBS	2 Years, 6 Months
13. Flu	Cellulitis, Pyoderma Gangrenosum, Polyglandular Autoimmune Syndrome	2 Years, 6 Months
14. Tdap	SIRVA	2 Years, 6 Months
15. Meningococcal Vaccine	ADEM, MS	2 Years, 5 Months
16. Hep B	Neurological Injuries, Bilateral Extremity Numbness, Balance Problems, Small Fiber Neurologic Injuries, Peripheral Neuropathy, Essential Tremors	2 Years, 4 Months
17. HPV	Peripheral Neuropathy, Irritable Bowel Syndrome, Fibromyalgia, Myalgias, Chronic Pain, Dizziness, Headaches, Cognitive Impairments, Chronic Debilitating Fatigue	2 Years, 2 Months
18. Flu	ADEM	2 Years, 2 Months
19. HPV	GBS	2 Years, 1 Months
20. Flu	Chronic Urticaria	2 Years, 1 Months
21. Flu	CIDP	2 Years

*Terms of compensated settlements memorialized by Stipulation

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Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
22. Flu	ARDS	1 Year, 11 Months
23. Flu	GBS	1 Year, 9 Months
24. Tdap	TM	1 Year, 9 Months
25. Flu	GBS; CIDP	1 Year, 9 Months
26. Flu	GBS	1 Year, 9 Months
27. Rotavirus	Intussusception	1 Year, 9 Months
28. Tdap	Brachial Neuritis	1 Year, 9 Months
29. Flu	GBS	1 Year, 8 Months
30. Flu	GBS	1 Year, 8 Months
31. Flu	TM	1 Year, 8 Months

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Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
32. Flu	GBS, TM	1 Year, 8 Months
33. MMR	Peripheral Neuropathy, Neuritis Myalgia	1 Year, 8 Months
34. Flu	MS, Significant Aggravation, Cellulitis	1 Year, 8 Months
35. Flu, TDaP	GBS	1 Year, 7 Months
36. TDaP	GBS	1 Year, 7 Months
37. Flu	GBS, CIDP	1 Year, 7 Months
38. Flu	Pain, Numbness, Weakness, Right Arm	1 Year, 6 Months
39. Flu	TM	1 Year, 5 Months
40. Flu	SIRVA	1 Year, 4 Months
41. Flu	GBS, CIDP	1 Year, 3 Months

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(continued . . .)

Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
41. Flu	Radial Neuropathy, Acute Inflammatory Demyelinating Polyneuropathy, Acute Motor Axonal Neuropathy, GBS	1 Year, 3 Months
42. Flu	ADEM	1 Year, 3 Months
43. Flu	GBS	1 Year, 3 Months
44. Flu	Neurological Injury	1 Year, 2 Months
45. Flu	GBS, Death	1 Year, 2 Months
46. Flu	GBS	1 Year, 2 Months
47. Flu	Brachial Neuritis	1 Year, 1 Months
48. Flu	SIRVA	1 Year, 1 Months
49. Flu	GBS	1 Year, 1 Months
50. Flu, Dtap	GBS	1 Year

*Terms of compensated settlements memorialized by Stipulation

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Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
51. Flu	SIRVA	1 Year
52. Flu	Neurological Injury, Suspected Parsonage-Turner Syndrome	1 Year
53. Hepatitis A, Haemophilus influenza type B, Measles-Mumps Rubella, Pneumococcal Conjugate, and Varicella Vaccines	Death	1 Year
54. Meningococcal Vaccine	GBS	1 Year
55. Flu	Adhesive Capsulitis	1 Year
56. Flu	SIRVA	1 Year
57. Flu	GBS	11 Months
58. Flu	Brachial Neuritis, Parsonage Turner Syndrome	11 Months
59. Flu	GBS	11 Months
60. Flu	GBS	11 Months

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*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
61. Hep B	GBS	11 Months
62. Flu	GBS	11 Months
63. Flu	GBS	10 Months
64. Flu, TDaP	GBS	10 Months
65. Flu	GBS	10 Months
66. Flu	GBS	10 Months
67. Flu	GBS	10 Months
68. Flu	GBS	10 Months
69. Flu	GBS	10 Months
70. Flu	Optic Neuritis, Chronic Headaches, Sinusitis	10 Months

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Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
71. Flu	Spinal Cord Myelitis	10 Months
72. Flu	GBS	10 Months
73. Tdap	GBS	10 Months
74. Flu	GBS	10 Months
75. Flu	SIRVA	10 Months
76. Flu	SIRVA	10 Months
77. Flu	GBS	9 Months
78. Flu	Rheumatoid Arthritis, Bladder Weakness, Loss of Balance	9 Months
79. Flu	SIRVA	9 Months
80. Flu	GBS	9 Months

*Terms of compensated settlements memorialized by Stipulation

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Adjudicated Settlements*

Reporting Period: 5/16/15 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
81. Flu	SIRVA	9 Months
82. Flu	Tetanus Diphtheria, Acellular Pertussis, GBS	9 Months
83. Flu	Brachial Radiculopathy	9 Months
84. Flu	GBS, CIDP	9 Months
85. Flu	ADEM	9 Months
86. Flu	GBS	9 Months
87. Flu	Peripheral Neuropathy	9 Months
88. Tdap	SIRVA	9 Months
89. Flu	GBS	8 Months
90. Tdap	SIRVA	8 Months

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Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
91. Flu	GBS	8 Months
92. Flu	GBS	8 Months
93. Flu	SIRVA	8 Months
94. Flu	SIRVA	8 Months
95. Flu	GBS	8 Months
96. Flu	SIRVA	8 Months
97. Flu	SIRVA	8 Months
98. Flu	GBS	8 Months
99. Tdap	Brachial Neuritis	8 Months
100. Tdap	SIRVA	8 Months

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Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
101. Flu	GBS	8 Months
102. Flu	TM, AIDP	8 Months
103. Flu, Menactra Meningococcal	GBS	8 Months
104. Flu	SIRVA	7 Months
105. Flu	SIRVA	7 Months
106. Flu	GBS	7 Months
107. Flu	GBS	7 Months
108. DTaP-IPV	Angiomatoid, Fibrous Histiocytoma	7 Months
109. Flu	SIRVA	6 Months
110. Flu	SIRVA	6 Months

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Adjudicated Settlements*

Reporting Period: 5/16/16 – 8/15/16

1. Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
111. Flu	GBS	6 Months
112. Flu	SIRVA	6 Months
113. Flu	GBS	5 Months

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