



# Report from the Department of Justice

September 8, 2017

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*Trial Attorney*

# Statistics

Reporting Period: 11/16/16 – 8/15/17

- I. Total Petitions Filed in the United States Court of Federal Claims this reporting period: 856
  - A. Minors: 103
  - B. Adults: 753

# Statistics

Reporting Period: 11/16/16 – 8/15/17

## II. Total Petitions Adjudicated this reporting period: 593

### A. Compensated: 485

#### i. Cases conceded by HHS: 153

1. Decision awarding damages: 0
2. Decision adopting Proffer: 153
3. Decision adopting Settlement: 0

#### ii. Cases not conceded by HHS: 332

1. Decision awarding damages: 0
2. Decision adopting Proffer: 0
3. Decision adopting Settlement: 332

### B. Not Compensated/Dismissed: 108

- i. Decision dismissing Non-OAP: 103
- ii. Decision dismissing OAP: 5

# Statistics

Reporting Period: 11/16/16 – 8/15/17

**III. Total Petitions Voluntarily Withdrawn this reporting period (no judgment will be issued): 45**

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

## Recently Decided Cases

### Appeals by Petitioner:

- *R.K. v. HHS* (Entitlement): Affirmed per curiam
- *Contreras v. HHS* (Entitlement): Remanded
  - Parties reached a tentative settlement agreement; approval is pending
- *Murphy v. HHS* (Entitlement): Voluntarily Dismissed
- *G.G.M. v. HHS* (Entitlement): Dismissed
  - CAFC ruled appellant could file another RCFC 60(b) motion raising argument raised in amicus brief; petitioner filed a new motion for 60(b) relief which was granted by SM Millman on 5/25/2017
- *Osele v. HHS* (Entitlement): Dismissed
- *Moriarty v. HHS* (Entitlement): Remanded
- *Lasnetski v. HHS* (Entitlement): Affirmed

### Appeals by Respondent:

- *Allicock v. HHS* (Attys' Fees and Costs): Voluntarily Dismissed

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:

- *H.L. v. HHS* (Entitlement)
- *Simmons v. HHS* (Attys' Fees and Costs)
- *D'Tiole v. HHS* (Entitlement)
- *Anderson v. HHS* (Entitlement)

\*Yellow cases are new this reporting period

# Appeals: U.S. Court of Federal Claims

## Recently Decided Cases

### Appeals by Petitioner:

- *Curran v. HHS* (Attys' Fees and Costs): Affirmed in part
  - Remanded for "wind up" expenses
- *Brannigan v. HHS* (Interim Attys' Fees): Affirmed
- *Rich v. HHS* (Entitlement): Affirmed
- *Raymo v. HHS* (Attys' Fees and Costs): Affirmed
- *Mounts v. HHS* (Attys' Fees and Costs): Affirmed
- *Cunningham v. HHS* (Entitlement): Affirmed
- *Rus v. HHS* (Entitlement): Affirmed
- *Rehn v. HHS* (Attys' Fees and Costs): Affirmed
- *Tarsell v. HHS* (Entitlement): Remanded

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

# Appeals: U.S. Court of Federal Claims

## Recently Decided Cases (cont'd)

### Appeals by Petitioner (cont'd) :

- *Loutos v. HHS* (Entitlement): Dismissed as Untimely
- *K.T. v. HHS* (Entitlement): Affirmed
- *Mondello v. HHS* (Entitlement): Remanded
- *Phillips, Ivan v. HHS* (Entitlement): Affirmed
- *Phillips, Ivana v. HHS* (Entitlement): Affirmed
- *Phillips, Ivanka v. HHS* (Entitlement): Affirmed
- *Anthony v. HHS* (Attys' Fees and Costs): Voluntarily Dismissed
- *Holt v. HHS* (Entitlement): Affirmed
- *Mette v. HHS* (Entitlement): Affirmed
- *Spahn v. HHS* (Entitlement): Affirmed in part
  - Remanded issue of interim fees and costs

*All decisions are available on the CFC's website: <http://www.uscfc.uscourts.gov>* 8



# Appeals: U.S. Court of Federal Claims

## Recently Decided Cases (cont'd)

### Appeals by Petitioner (cont'd):

- *Carter v. HHS* (Attys' Fees and Costs): Affirmed
- *Oliver v. HHS* (Entitlement): Affirmed
- *Depena v. HHS* (Entitlement): Affirmed
- *K.L. v. HHS* (Attys' Fees and Costs): Affirmed
- *Garner v. HHS* (Entitlement): Affirmed
- *Anderson v. HHS* (Entitlement): Affirmed
- *D'Tiole v. HHS* (Entitlement): Affirmed

### Appeals by Respondent:

- *Day v. HHS* (Interim Damages): Affirmed

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

# Appeals: U.S. Court of Federal Claims

## Pending Cases

### Appeals by Petitioner:

- *Cottingham v. HHS* (Attys' Fees and Costs)
- *Abbott v. HHS* (Attys' Fees and Costs)
- *Erxleben v. HHS* (Entitlement)
- *Dean v. HHS* (Entitlement)
- *Santacroce v. HHS* (Attys' Fees and Costs)
- *Olson v. HHS* (Entitlement)

\*Yellow cases are new this reporting period

# Scheduled Oral Arguments

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

- *H.L. v. HHS* (Entitlement): 10/3/2017
- *Simmons v. HHS* (Attys' Fees and Costs): 10/4/2017

## U.S. Court of Federal Claims:

- None scheduled at this time.

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)      | Alleged Injury(ies)                           | Petition Filing to Settlement Filing |
|-----------------|---|--------------------------------------|
| 1. DTaP         | Developmental Delays                          | 11 years, 2 months                   |
| 2. Hep B        | Multiple Sclerosis (MS)                       | 8 years, 4 months                    |
| 3. Flu          | Encephalitis                                  | 7 years                              |
| 4. Hep A; Hep B | GBS   | 4 years, 9 months                    |
| 5. Flu          | Acute Hemorrhagic Leukoencephalomyelitis      | 4 years, 4 months                    |
| 6. Flu          | Transverse Myelitis                           | 4 years, 4 months                    |
| 7. Flu          | GBS   | 4 years, 3 months                    |
| 8. Flu          | Demyelinating Injury                          | 4 years, 2 months                    |
| 9. Flu          | Chronic Inflammatory Demyelinating Neuropathy | 4 years, 2 months                    |
| 10. Flu         | GBS   | 4 years, 1 month                     |
| 11. Flu         | Demyelinating Disorder                        | 3 years, 7 months                    |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)                            | Alleged Injury(ies)  | Petition Filing to Settlement Filing |
|---------------------------------------|--|--------------------------------------|
| 12. Flu                               | Stevens Johnson Syndrome; Fibromyalgia   | 3 years, 4 months                    |
| 13. TDaP; IPV; MMR; HPV               | Acute Disseminated Encephalomyelitis; GBS  | 4 years                              |
| 14. Hep B                             | Demyelinating Polyneuropathy   | 3 years, 8 months                    |
| 15. Flu                               | GBS  | 3 years, 3 months                    |
| 16. Flu                               | Acute Disseminated Encephalomyelitis   | 3 years                              |
| 17. MMR; DTaP; IPV; Varicella Vaccine | Encephalitis   | 3 years                              |
| 18. Flu                               | Bilateral upper extremity weakness; Difficulty breathing; Torso and bilateral upper extremity paresthesia; Fatigue | 3 years, 2 months                    |
| 19. Flu                               | GBS  | 3 years                              |
| 20. Flu; Hepatitis A                  | Myoclonic Seizures   | 2 years, 9 months                    |
| 21. Flu                               | CIDP   | 2 years, 8 months                    |
| 22. Flu                               | Peripheral Neuropathy  | 2 years, 5 months                    |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)                           | Alleged Injury(ies)   | Petition Filing to Settlement Filing |
|--------------------------------------|---|--------------------------------------|
| 23. TDAP                             | TM  | 2 years, 8 months                    |
| 24. DTaP; Hib                        | Acute Liver Failure; Autoimmune Hepatitis Type 2                                      | 2 years, 7 months                    |
| 25. Flu                              | GBS; Acute Renal Failure; Wegener's Granulomatosis                                    | 2 years, 5 months                    |
| 26. Flu; Hep A; Hep B; Polio; DTAP   | Anaphylactic Reaction; Weakness; Parsonage Turner Syndrome; Peripheral Neuropathy; TM | 2 years, 4 months                    |
| 27. DTaP; PCV-13; Hib; RTQ; IPV; Flu | Seizure Disorder  | 2 years, 4 months                    |
| 28. Flu                              | GBS   | 2 years, 3 months                    |
| 29. Flu                              | SIRVA   | 2 years, 3 months                    |
| 30. Flu                              | Bell's Palsy  | 2 years, 3 months                    |
| 31. Flu                              | Pityriasis Lichenoides et Varioliformis Acuta (PLEVA)                                 | 2 years, 2 months                    |
| 32. Meningitis; Varicella; DTaP      | Brachial Neuritis   | 2 years, 3 months                    |
| 33. MMR                              | GBS   | 2 years, 3 months                    |

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# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)                           | Petition Filing to Settlement Filing |
|------------|---|--------------------------------------|
| 34. TDAP   | GBS   | 2 years, 3 months                    |
| 35. Flu    | Acute Disseminated Encephalomyelitis          | 2 years, 3 months                    |
| 36. Flu    | Anaphylaxis; Vocal Cord Paralysis             | 2 years, 3 months                    |
| 37. Flu    | Rheumatoid Arthritis                          | 2 years, 3 months                    |
| 38. Flu    | Small Fiber Neuropathy                        | 2 years, 3 months                    |
| 39. Flu    | Parsonage Turner Syndrome                     | 2 years, 3 months                    |
| 40. Flu    | SIRVA   | 2 years, 3 months                    |
| 41. Flu    | GBS   | 2 years 2 months                     |
| 42. Flu    | GBS; Lambert Eaton Myasthenic Syndrome; Death | 2 years                              |
| 43. Flu    | TM  | 1 year, 9 months                     |
| 44. Flu    | TM  | 1 year, 8 months                     |

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# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)                                      | Petition Filing to Settlement Filing |
|------------|--|--------------------------------------|
| 45. Flu    | GBS; CIDP  | 1 year, 8 months                     |
| 46. MMR    | Arthralgia; Bilateral Bursitis; Numbness; Tingling; Pain | 2 year, 2 months                     |
| 47. Flu    | GBS; CIDP  | 1 year, 8 months                     |
| 48. Flu    | TM   | 1 year, 8 months                     |
| 49. Flu    | Urticaria  | 1 year, 8 months                     |
| 50. Flu    | SIRVA  | 1 year, 7 months                     |
| 51. Flu    | Brachial Plexopathy                                      | 1 year, 7 months                     |
| 52. Flu    | ADEM   | 1 year, 7 months                     |
| 53. Flu    | CIDP; Polyradiculoneuropathy                             | 1 year, 7 months                     |
| 54. Flu    | SIRVA  | 1 year, 7 months                     |
| 55. Flu    | CIDP   | 1 year, 7 months                     |

\*Terms of compensated settlements memorialized by Stipulation



# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)                                 | Alleged Injury(ies)   | Petition Filing to Settlement Filing |
|--|---|--------------------------------------|
| 56. MMR                                    | Sensorineural Hearing Loss  | 1 year 9 months                      |
| 57. Flu                                    | GBS   | 1 year, 7 months                     |
| 58. Flu                                    | GBS   | 1 year, 7 months                     |
| 59. Flu                                    | GBS   | 1 year, 7 months                     |
| 60. Hep A; Pneumococcal conjugate vaccine; | Febrile convulsions; Developmental delays   | 1 year, 8 months                     |
| 61. Flu                                    | GBS   | 1 year, 7 months                     |
| 62. Flu                                    | GBS   | 1 year, 6 months                     |
| 63. HPV                                    | MS  | 1 year, 8 months                     |
| 64. Tdap                                   | Neuropathy; Thrombocytopenia; Lymphadenopathy; Central Vestibular System Impairment | 1 year 7 months                      |
| 65. MMR                                    | TM  | 1 year, 7 months                     |
| 66. Flu                                    | GBS; TM; Kidney Failure; Death  | 1 year, 6 months                     |

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# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)    | Alleged Injury(ies)       | Petition Filing to Settlement Filing |
|---------------|---------------------------|--------------------------------------|
| 67. Flu       | GBS                       | 1 year, 6 months                     |
| 68. Flu       | CIDP                      | 1 year, 6 months                     |
| 69. Flu       | GBS                       | 1 year, 6 months                     |
| 70. Tdap      | Sjogren's syndrome; UCTD  | 1 year, 7 months                     |
| 71. Flu       | Sixth Cranial Nerve Palsy | 1 year, 6 months                     |
| 72. Flu       | GBS                       | 1 year, 5 months                     |
| 73. Tdap      | Neurological Injuries     | 1 year, 7 months                     |
| 74. Flu       | GBS                       | 1 year, 5 months                     |
| 75. Tdap      | SIRVA                     | 1 year, 7 months                     |
| 76. Flu; Tdap | GBS                       | 1 year, 5 months                     |
| 77. Flu       | GBS                       | 1 year, 5 months                     |

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# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)        | Petition Filing to Settlement Filing |
|------------|----------------------------|--------------------------------------|
| 78. Flu    | SIRVA                      | 1 year, 5 months                     |
| 79. Flu    | TM                         | 1 year, 5 months                     |
| 80. Flu    | SIRVA                      | 1 year, 5 months                     |
| 81. Flu    | TM                         | 1 year, 5 months                     |
| 82. TDaP   | Brachial Neuritis          | 1 year, 6 months                     |
| 83. Flu    | CIDP                       | 1 year, 5 months                     |
| 84. Flu    | SIRVA; Adhesive Capsulitis | 1 year, 5 months                     |
| 85. Flu    | GBS                        | 1 year, 5 months                     |
| 86. Flu    | TDaP; ADEM                 | 1 year, 5 months                     |
| 87. Flu    | GBS                        | 1 year, 5 months                     |
| 88. TDaP   | TM                         | 1 year, 6 months                     |

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# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)                                      | Petition Filing to Settlement Filing |
|------------|--|--------------------------------------|
| 89. Flu    | Bell's Palsy; Facial Spasms; Dystonia                    | 1 year, 5 months                     |
| 90. Flu    | Dermatofibrosarcoma Protuberans                          | 1 year, 5 months                     |
| 91. Flu    | SIRVA  | 1 year, 5 months                     |
| 92. Flu    | Anaphylaxis; Hypotension; Cholecystitis; Cholecystectomy | 1 year, 4 months                     |
| 93. Flu    | Peripheral Neuropathy; Mononeuritis Multiplex            | 1 year, 4 months                     |
| 94. Flu    | TM   | 1 year, 4 months                     |
| 95. Flu    | Brachial Neuritis  | 1 year 4 Months                      |
| 96. Flu    | SIRVA  | 1 year, 4 months                     |
| 97. Flu    | Vaccine Neuropathy                                       | 1 year, 4 months                     |
| 98. Flu    | SIRVA; Rotator Cuff Tear; Adhesive Capsulitis            | 1 year, 4 months                     |
| 99. Flu    | GBS  | 1 year, 4 months                     |

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# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)         | Petition Filing to Settlement Filing |
|------------|-----------------------------|--------------------------------------|
| 100. Flu   | Small Fiber Neuropathy      | 1 year, 3 months                     |
| 101. Flu   | Optic Neuritis; Vision Loss | 1 year, 3 months                     |
| 102. Flu   | Limbic Encephalitis         | 1 year, 3 months                     |
| 103. TDaP  | TM                          | 1 year, 5 months                     |
| 104. Flu   | SIRVA                       | 1 year, 3 months                     |
| 105. Flu   | GBS                         | 1 year, 3 months                     |
| 106. TDaP  | Bell's Palsy                | 1 year, 5 months                     |
| 107. Flu   | Bell's palsy                | 1 year, 3 months                     |
| 108. Flu   | SIRVA                       | 1 year, 3 months                     |
| 109. Flu   | SIRVA                       | 1 year, 3 months                     |
| 110. Flu   | GBS                         | 1 Year 3 months                      |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)                               | Petition Filing to Settlement Filing |
|------------|---|--------------------------------------|
| 111. Flu   | SIRVA   | 1 year, 3 months                     |
| 112. TDAP  | GBS   | 1 year, 5 months                     |
| 113. Flu   | GBS   | 1 year, 3 months                     |
| 114. Flu   | SIRVA   | 1 year, 3 months                     |
| 115. TDaP  | Brachial Neuritis                                 | 1 year, 5 months                     |
| 116. Flu   | Encephalitis; Death                               | 1 year, 3 months                     |
| 117. TDaP  | CIDP  | 1 year, 5 months                     |
| 118. Flu   | TM  | 1 year, 2 months                     |
| 119. Flu   | GBS   | 1 year, 2 months                     |
| 120. Flu   | SIRVA; Neuropathy of the Medial and Radial Nerves | 1 year, 2 months                     |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)     | Alleged Injury(ies)                 | Petition Filing to Settlement Filing |
|----------------|-------------------------------------|--------------------------------------|
| 121. Flu       | SIRVA                               | 1 year, 2 months                     |
| 122. DTaP; MCV | CIDP                                | 1 year, 4 months                     |
| 123. Flu       | SIRVA                               | 1 year, 2 months                     |
| 124. Flu       | Brachial Neuritis; Parsonage-Turner | 1 Year 2 months                      |
| 125. Flu       | SIRVA                               | 1 year, 2 months                     |
| 126. Flu       | Brachial Neuritis                   | 1 year, 2 months                     |
| 127. Flu       | GBS                                 | 1 year, 2 months                     |
| 128. TDaP      | SIRVA                               | 1 year, 4 months                     |
| 129. Flu       | GBS                                 | 1 year, 2 months                     |
| 130. MMR       | Thrombocytopenic Purpura            | 1 year, 4 months                     |
| 131. Flu; PCV  | SIRVA                               | 1 year, 2 months                     |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)           | Alleged Injury(ies)        | Petition Filing to Settlement Filing |
|----------------------|----------------------------|--------------------------------------|
| 132. Flu             | GBS                        | 1 year, 2 months                     |
| 133. Hep A; Flu; IPV | SIRVA                      | 1 year, 2 months                     |
| 134. Flu             | TM                         | 1 year, 1 month                      |
| 135. Flu             | Bell's Palsy; Hearing Loss | 1 year, 1 month                      |
| 136. Flu             | SIRVA                      | 1 year, 1 month                      |
| 137. Flu             | GBS                        | 1 year, 1 month                      |
| 138. Flu             | GBS                        | 1 year, 1 month                      |
| 139. Flu             | GBS                        | 1 year, 1 month                      |
| 140. Flu             | GBS                        | 1 year, 1 month                      |
| 141. Flu             | Trigeminal Neuralgia       | 1 year, 1 month                      |
| 142. Flu             | GBS                        | 1 year                               |

\*Terms of compensated settlements memorialized by Stipulation



# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)     | Alleged Injury(ies)       | Petition Filing to Settlement Filing |
|----------------|---------------------------|--------------------------------------|
| 143. DTaP; PCV | Transverse Myelitis       | 1 year, 3 months                     |
| 144. Flu       | GBS                       | 1 year                               |
| 145. Flu       | GBS                       | 1 year                               |
| 146. Flu       | GBS                       | 1 year                               |
| 147. Flu       | GBS                       | 1 year                               |
| 148. Flu       | SIRVA                     | 1 year                               |
| 149. Flu       | GBS                       | 1 year                               |
| 150. Flu       | SIRVA                     | 1 year                               |
| 151. Flu       | SIRVA                     | 1 year                               |
| 152. Flu       | SIRVA                     | 1 year                               |
| 153. Flu       | Rotator Cuff Tear (SIRVA) | 1 year                               |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)       | Petition Filing to Settlement Filing |
|------------|---------------------------|--------------------------------------|
| 154. Flu   | MG; GBS                   | 11 months                            |
| 155. Flu   | GBS                       | 11 months                            |
| 156. Flu   | GBS                       | 11 months                            |
| 157. Flu   | GBS                       | 11 months                            |
| 158. Flu   | SIRVA                     | 11 months                            |
| 159. Flu   | Bell's Palsy              | 11 months                            |
| 160. Flu   | SIRVA                     | 11 months                            |
| 161. Flu   | SIRVA                     | 11 months                            |
| 162. Flu   | GBS                       | 11 months                            |
| 163. Flu   | CIDP; Anti-MAG Neuropathy | 11 months                            |
| 164. Tdap  | GBS                       | 1 year, 2 months                     |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)     | Alleged Injury(ies)                           | Petition Filing to Settlement Filing |
|----------------|---|--------------------------------------|
| 165. Flu       | GBS   | 11 months                            |
| 166. Flu       | Parsonage Turner Syndrome                     | 11 months                            |
| 167. Flu; TDaP | GBS   | 11 months                            |
| 168. Flu       | GBS   | 11 months                            |
| 169. MMR       | ITP   | 1 year, 2 months                     |
| 170. Flu       | GBS   | 11 months                            |
| 171. Flu       | GBS   | 11 months                            |
| 172. TDaP      | SIRVA   | 1 year, 1 month                      |
| 173. Flu       | SIRVA   | 10 months                            |
| 174. Flu       | Rotator Cuff Syndrome; Carpal Tunnel Syndrome | 10 months                            |
| 175. TDaP; MMR | SIRVA   | 1 year, 1 month                      |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)    | Petition Filing to Settlement Filing |
|------------|------------------------|--------------------------------------|
| 176. Flu   | GBS                    | 10 months                            |
| 177. Flu   | CIDP                   | 10 months                            |
| 178. Flu   | GBS                    | 10 months                            |
| 179. Flu   | SIRVA                  | 10 months                            |
| 180. Flu   | SIRVA                  | 10 months                            |
| 181. Flu   | SIRVA                  | 10 months                            |
| 182. MMR   | Hearing Loss; Tinnitus | 1 year, 1 month                      |
| 183. TDaP  | SIRVA                  | 1 year, 1 month                      |
| 184. Flu   | GBS                    | 10 months                            |
| 185. Flu   | SIRVA                  | 10 months                            |
| 186. Flu   | SIRVA                  | 10 months                            |

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# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)     | Alleged Injury(ies) | Petition Filing to Settlement Filing |
|----------------|---------------------|--------------------------------------|
| 187. Flu       | SIRVA               | 10 months                            |
| 188. Flu       | SIRVA               | 9 months                             |
| 189. Flu       | GBS                 | 9 months                             |
| 190. TDaP; Flu | GBS; Death          | 8 months                             |
| 191. Flu       | TDaP; GBS           | 8 months                             |
| 192. Flu       | SIRVA               | 8 months                             |
| 193. Flu       | GBS                 | 8 months                             |
| 194. Flu       | GBS; CIDP           | 8 months                             |
| 195. TDaP      | SIRVA               | 1 year                               |
| 196. Flu       | SIRVA               | 8 months                             |
| 197. Flu       | SIRVA               | 8 months                             |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies) | Petition Filing to Settlement Filing |
|------------|---------------------|--------------------------------------|
| 198. TD    | GBS                 | 1 year                               |
| 199. Flu   | GBS                 | 8 months                             |
| 200. Flu   | SIRVA               | 8 months                             |
| 201. Flu   | GBS                 | 8 months                             |
| 202. Flu   | GBS                 | 8 months                             |
| 203. Flu   | SIRVA               | 8 months                             |
| 204. Flu   | GBS                 | 8 months                             |
| 205. Flu   | SIRVA               | 8 months                             |
| 206. Flu   | TM; ADEM            | 8 months                             |
| 207. TDaP  | SIRVA               | 1 year                               |
| 208. Flu   | GBS                 | 8 months                             |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)                      | Petition Filing to Settlement Filing |
|------------|--|--------------------------------------|
| 209. Flu   | GBS                                      | 8 months                             |
| 210. Flu   | SIRVA                                    | 8 months                             |
| 211. Flu   | SIRVA                                    | 7 months                             |
| 212. Flu   | TM; Acute Neurogenic Bladder Dysfunction | 7 months                             |
| 213. Flu   | Cerebellar Ataxia; Speech Problems       | 7 months                             |
| 214. Flu   | GBS                                      | 7 months                             |
| 215. Flu   | SIRVA                                    | 7 months                             |
| 216. Flu   | SIRVA                                    | 7 months                             |
| 217. TDaP  | GBS                                      | 11 months                            |
| 218. Flu   | SIRVA                                    | 7 months                             |
| 219. Flu   | CIDP                                     | 7 months                             |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)                       | Alleged Injury(ies)              | Petition Filing to Settlement Filing |
|----------------------------------|----------------------------------|--------------------------------------|
| 220. Flu                         | SIRVA                            | 7 months                             |
| 221. Hep B                       | Bell's palsy                     | 11 months                            |
| 222. TDaP                        | GBS; Bell's Palsy                | 11 months                            |
| 223. Flu                         | Parsonage Turner Syndrome; SIRVA | 7 months                             |
| 224. TDaP; Meningococcal Vaccine | SIRVA                            | 11 months                            |
| 225. TDaP                        | SIRVA                            | 11 months                            |
| 226. Flu                         | SIRVA                            | 7 months                             |
| 227. Flu                         | GBS                              | 7 months                             |
| 228. Flu                         | Bell's Palsy                     | 7 months                             |
| 229. TDaP                        | GBS                              | 11 months                            |
| 230. Flu                         | SIRVA                            | 7 months                             |

\*Terms of compensated settlements memorialized by Stipulation



# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)     | Alleged Injury(ies)                          | Petition Filing to Settlement Filing |
|----------------|--|--------------------------------------|
| 231. Flu       | GBS  | 6 months                             |
| 232. Flu       | GBS  | 6 months                             |
| 233. Flu       | TM   | 6 months                             |
| 234. Flu       | GBS  | 6 months                             |
| 235. Flu       | Optic Neuritis                               | 6 months                             |
| 236. Flu       | GBS  | 6 months                             |
| 237. Flu       | GBS  | 6 months                             |
| 238. Flu       | GBS  | 6 months                             |
| 239. Flu; TDaP | Parsonage Turner Syndrome; Brachial Neuritis | 5 months                             |
| 240. Flu       | GBS  | 5 months                             |
| 241. Flu       | Bell's palsy                                 | 5 months                             |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)                    | Petition Filing to Settlement Filing |
|------------|--|--------------------------------------|
| 242. Flu   | SIRVA                                  | 5 months                             |
| 243. Flu   | Chronic Pain; Myalgia                  | 5 months                             |
| 244. Flu   | Allergic Encephalomyelitis; Neuropathy | 4 years, 8 months                    |
| 245. Flu   | TM                                     | 4 years, 7 months                    |
| 246. TDaP  | SIRVA                                  | 10 months                            |
| 247. Flu   | GBS                                    | 4 months                             |
| 248. TDaP  | SIRVA                                  | 10 months                            |
| 249. Flu   | SIRVA                                  | 2 years, 5 months                    |
| 250. Flu   | TM                                     | 2 years, 2 months                    |
| 251. TDaP  | SIRVA                                  | 10 months                            |
| 252. Flu   | GBS; Necrotizing Myositis (NM)         | 2 years, 2 months                    |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)  | Petition Filing to Settlement Filing |
|------------|----------------------|--------------------------------------|
| 253. Flu   | Vasovagal Syncope    | 2 years                              |
| 254. Flu   | SIRVA                | 2 years                              |
| 255. TDaP  | Rheumatoid Arthritis | 9 months                             |
| 256. Flu   | ADEM                 | 2 years                              |
| 257. Flu   | GBS                  | 2 years                              |
| 258. Flu   | Encephalitis         | 1 year, 8 months                     |
| 259. TDaP  | SIRVA                | 9 months                             |
| 260. Flu   | GBS                  | 1 year, 8 months                     |
| 261. Flu   | GBS                  | 1 year, 7 months                     |
| 262. Flu   | GBS; CIDP            | 1 year, 7 months                     |
| 263. Flu   | GBS                  | 1 year, 7 months                     |

\* Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)             | Alleged Injury(ies)       | Petition Filing to Settlement Filing |
|------------------------|---------------------------|--------------------------------------|
| 264. Flu               | Ischemic Optic Neuropathy | 1 year, 6 months                     |
| 265. Flu               | TM                        | 1 year, 6 months                     |
| 266. Flu               | GBS                       | 1 year, 6 months                     |
| 267. Flu               | GBS                       | 1 year, 5 months                     |
| 268. Flu               | TM                        | 1 year, 5 months                     |
| 269. Flu               | SIRVA                     | 1 year, 5 months                     |
| 270. Varicella Vaccine | Hives                     | 8 months                             |
| 271. Flu               | GBS                       | 1 year, 5 months                     |
| 272. TDaP              | SIRVA                     | 8 months                             |
| 273. Flu               | Amplified Pain Syndrome   | 1 year, 5 months                     |
| 274. Flu               | GBS                       | 1 year, 5 months                     |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)                      | Alleged Injury(ies)   | Petition Filing to Settlement Filing |
|---------------------------------|-----------------------|--------------------------------------|
| 275. Flu                        | GBS                   | 1 year, 4 months                     |
| 276. DTaP; Hep B; IPV; Hib; PCV | Encephalopathy; Death | 8 months                             |
| 277. Flu                        | SIRVA                 | 1 year, 4 months                     |
| 278. TDaP                       | GBS                   | 8 months                             |
| 279. Flu                        | CIDP                  | 1 year, 3 months                     |
| 280. Flu                        | ADEM                  | 1 year, 3 months                     |
| 281. Flu                        | SIRVA                 | 1 year, 3 months                     |
| 282. Flu                        | SIRVA                 | 1 year, 3 months                     |
| 283. Flu                        | GBS                   | 1 year, 3 months                     |
| 284. Flu                        | GBS                   | 1 year, 3 months                     |
| 285. Flu                        | SIRVA                 | 1 year, 3 months                     |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)  | Petition Filing to Settlement Filing |
|------------|--|--------------------------------------|
| 286. Flu   | SIRVA  | 1 year, 2 months                     |
| 287. Flu   | SIRVA  | 1 year, 2 months                     |
| 288. TDaP  | GBS  | 8 months                             |
| 289. Flu   | SIRVA  | 1 year, 1 month                      |
| 290. Flu   | SIRVA  | 1 year, 1 month                      |
| 291. Flu   | SIRVA  | 1 year, 1 month                      |
| 292. Flu   | GBS; Miller Fisher Variant; Tibial Nerve Palsy                   | 1 year                               |
| 293. Flu   | SIRVA  | 1 year                               |
| 294. Flu   | Bell's Palsy; Internuclear Ophthalmoplegia and/or optic neuritis | 1 year                               |
| 295. Flu   | SIRVA  | 1 year                               |
| 296. Flu   | CIDP   | 1 year                               |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies) | Petition Filing to Settlement Filing |
|------------|---------------------|--------------------------------------|
| 297. Flu   | GBS                 | 1 year                               |
| 298. Flu   | SIRVA               | 1 year                               |
| 299. Flu   | GBS                 | 1 year                               |
| 300. Flu   | SIRVA               | 1 year                               |
| 301. Tdap  | GBS                 | 7 months                             |
| 302. Flu   | GBS                 | 11 months                            |
| 303. Flu   | SIRVA               | 11 months                            |
| 304. Flu   | SIRVA               | 11 months                            |
| 305. Flu   | SIRVA               | 11 months                            |
| 306. Flu   | SIRVA               | 11 months                            |
| 307. Flu   | SIRVA               | 10 months                            |

\* Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies)                               | Petition Filing to Settlement Filing |
|------------|---|--------------------------------------|
| 308. Flu   | SIRVA   | 10 months                            |
| 309. Flu   | GBS   | 10 months                            |
| 310. Flu   | SIRVA   | 10 months                            |
| 311. Flu   | SIRVA   | 10 months                            |
| 312. Flu   | GBS   | 10 months                            |
| 313. Flu   | Post-Vaccine Syndrome with Demyelinating Features | 10 months                            |
| 314. Flu   | SIRVA   | 9 months                             |
| 315. Flu   | ADEM  | 9 months                             |
| 316. Flu   | GBS   | 9 months                             |
| 317. Flu   | SIRVA; Axillary nerve injury                      | 9 months                             |
| 318. Flu   | GBS   | 9 months                             |

\*Terms of compensated settlements memorialized by Stipulation



# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s)     | Alleged Injury(ies) | Petition Filing to Settlement Filing |
|----------------|---------------------|--------------------------------------|
| 319. Flu       | SIRVA               | 9 months                             |
| 320. Flu       | SIRVA               | 8 months                             |
| 321. Flu       | Optic Neuritis      | 8 months                             |
| 322. Flu; TDaP | Bell's Palsy        | 8 months                             |
| 323. Flu       | SIRVA               | 8 months                             |
| 324. Flu       | GBS                 | 8 months                             |
| 325. Flu       | TM                  | 8 months                             |
| 326. Flu       | SIRVA               | 8 months                             |
| 327. PCV       | SIRVA               | 5 months                             |
| 328. Flu       | SIRVA               | 8 months                             |
| 329. TDaP      | SIRVA               | 10 months                            |

\*Terms of compensated settlements memorialized by Stipulation

# Adjudicated Settlements\*

Reporting Period: 11/16/16 – 8/15/17

| Vaccine(s) | Alleged Injury(ies) | Petition Filing to Settlement Filing |
|------------|---------------------|--------------------------------------|
| 330. Flu   | GBS                 | 7 months                             |
| 331. Flu   | SIRVA               | 7 months                             |
| 332. Flu   | GBS                 | 6 months                             |

# Appendix

# Glossary of Terms

- **Petitions Adjudicated:** Final judgment has entered on the petition in the United States Court of Federal Claims.
- **Final Judgment:** Clerk of Court, United States Court of Federal Claims, enters judgment awarding or denying compensation.
- **Compensable:** Petitioner received an award of compensation, which can be achieved through a concession by HHS, settlement, or decision on the merits by the special master, United States Court of Federal Claims.
- **Conceded by HHS:** HHS concluded that a petition should be compensated based on review and analysis of the medical records.

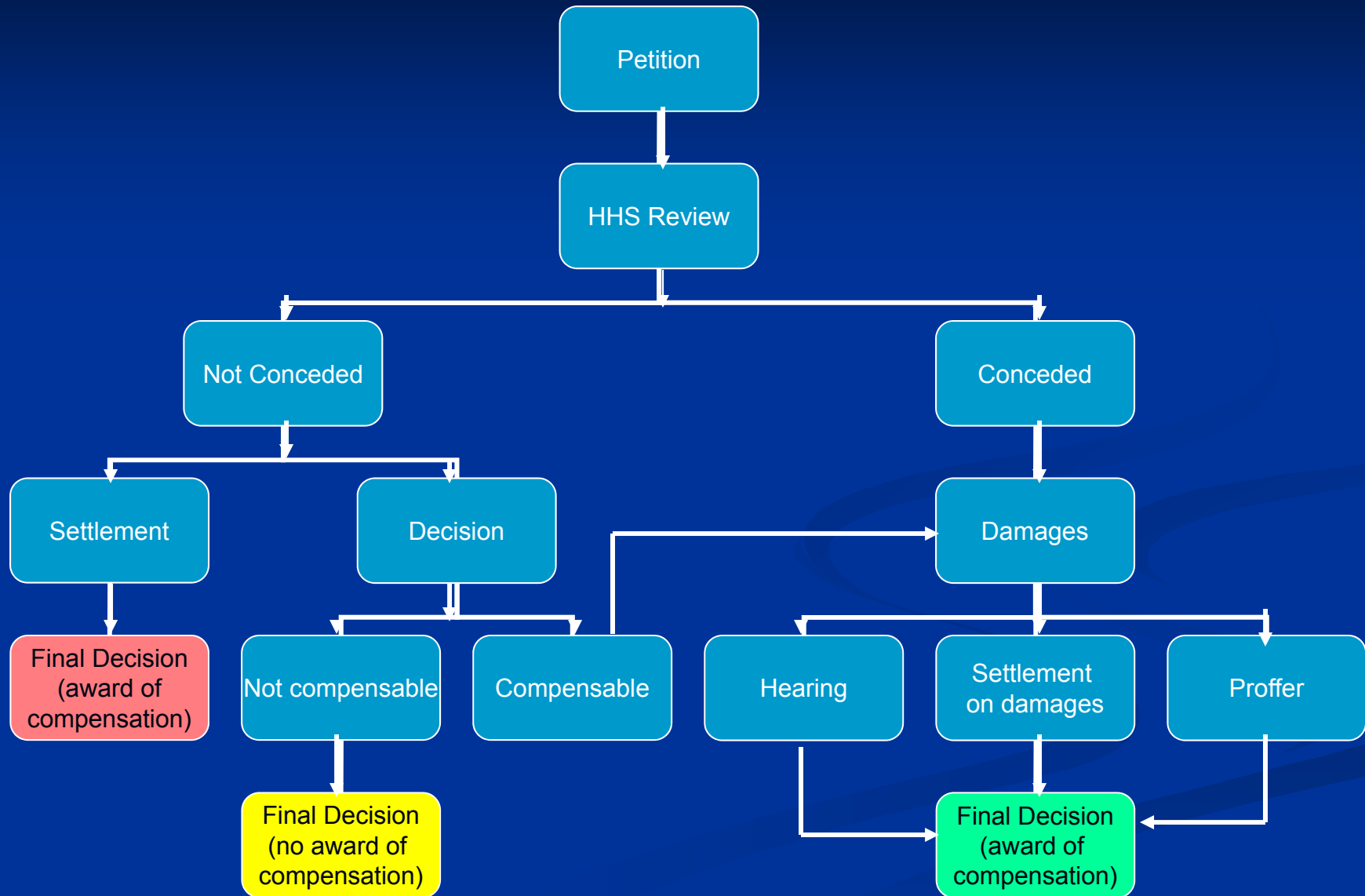
# Glossary of Terms

- **Settlement:** Petition is resolved via a negotiated settlement between the parties, and results in the filing of a stipulation that memorializes the terms of the settlement.
- **Decision:** Special Master issues decision on the merits of the petition.
- **Non-compensable/Dismissed:** Petition dismissed.
- **Proffer:** After discussions between the parties regarding a reasonable amount of damages, respondent will file a suggested award of compensation, known within the Program as a “Proffer,” which is also agreed to by petitioners and their counsel. The Proffer is reviewed by the presiding special master to determine that it represents a reasonable measure of the amount of the award and describes compensation pursuant to 42 U.S.C. § 300aa-15(a). The special master issues a final decision consistent with the terms of the Proffer.

# Glossary of Terms

- **Affirmed:** Case has been reviewed on appeal, and the court on appeal agreed with the decision of the lower court.
- **Reversed:** Case has been reviewed on appeal, and the court on appeal disagreed with the decision of the lower court. The court on appeal typically provides reasons for reversing, and that decision becomes the law of the case, absent further appeal.
- **Remanded:** Case has been reviewed on appeal, and the reviewing court has a problem with the decision, and sends it back to the lower court. Typically, a case is remanded with a specific question or issue for the lower court to address.
- **Vacated:** Case has been reviewed on appeal, and the reviewing court has voided the lower court's decision.

# Petition Processing in the Office of Special Masters



# Levels of Appeal in Vaccine Act Cases

U.S. Supreme Court

U.S. Court of Appeals for the  
Federal Circuit

U.S. Court of Federal Claims

Office of Special Masters



# Appeals Process

