

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

No. 14-238V

Filed: July 29, 2014

(Not to be published)

LINDA LEGGETT,

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Petitioner,

*

v.

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*

SECRETARY OF HEALTH
AND HUMAN SERVICES,

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*

*

Respondent.

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Conceded; Influenza Vaccine;
Shoulder Injury related to vaccine
administration [SIRVA]; Proffer
on Damages

Maximillian Muller, Esq., Muller Brazil, LLP, Philadelphia, PA for petitioner.
Linda Renzi, Esq., U.S. Dept. of Justice, Washington, DC for respondent.

DECISION ON DAMAGES¹

Gowen, Special Master:

On March 27, 2014, Linda Leggett ["petitioner"] filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² [the "Vaccine Act" or "Program"]. The petition alleges that petitioner received the influenza vaccine on October 19, 2012, and thereafter suffered a shoulder injury which was caused-in-fact by the influenza vaccine. Petition at 1. On July 3, 2014, respondent filed her Rule 4(c) report ["Respondent's Report"], in which she concedes that petitioner is entitled to compensation in this case. Respondent's Report at 4. I issued a Ruling on Entitlement on July 10, 2014.

On July 28, 2014, respondent filed a proffer on award of compensation, which indicated that petitioner agreed to the compensation amount. Additionally, petitioner's

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post this ruling on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete 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 delete such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

counsel was contacted by my chambers on July 28, 2014, where he confirmed petitioner's agreement with the proposed compensation amount contained within the filed Proffer.

Pursuant to the terms stated in the attached Proffer, **I award petitioner a lump sum payment of \$115,000.00 in the form of a check payable to petitioner, Linda Leggett.** This amount represents compensation for all damages that would be available under § 300aa-15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Thomas L. Gowen
Thomas L. Gowen
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.

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LINDA LEGGETT,)	
)	
Petitioner,)	No. 14-238V
)	Special Master
v.)	Thomas L. Gowen
)	ECF
SECRETARY OF HEALTH)	
AND HUMAN SERVICES,)	
)	
Respondent.)	
<hr/>)	

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

I. Compensation for Vaccine Injury-Related Items:

Respondent proffers that, based on the evidence of record, petitioner should be awarded \$115,000.00. This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a)(1); §15(a)(3)(B); and §15(a)(4). Petitioner agrees.

II. Form of the Award:

The parties recommend that the compensation provided to Linda Leggett should be made through a lump sum payment as described below, and request that the special master’s decision and the Court’s judgment award the following:¹

- A. A lump sum payment of \$115,000.00 in the form of a check payable to petitioner, Linda Leggett. This amount accounts for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

¹ Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses and future pain and suffering.

Respectfully submitted,

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DATED: July 28, 2014