

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-1466V

UNPUBLISHED

ROBERT SNEATHEN,
as Personal Representative of the
ESTATE OF SANDRA SNEATHEN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 16, 2020,

Special Processing Unit (SPU); Joint
Stipulation on Damages; Influenza
(Flu) Vaccine; Guillain-Barre
Syndrome (GBS)

Alison H. Haskins, Maglio Christopher & Toale, PA, Sarasota, FL, for petitioner.

Camille Michelle Collett, U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

On October 6, 2017, Sandra Sneathen² filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,³ (the “Vaccine Act”). Petitioner alleges that an influenza vaccination administered on August 29, 2015 caused Sandra Sneathen to develop Guillain-Barré Syndrome (GBS) and that she experienced the residual effects of this condition for more than six months. Petition at 1, 3; Stipulation, issued June 16, 2020, at ¶ 4. “Respondent denies

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact 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 redact such material from public access.

² On June 25, 2019, Sandra Sneathen passed away. On August 15, 2019, Robert Sneathen was appointed personal representative of Sandra Sneathen's estate. On August 28, 2019, this court granted Petitioner's motion to substitute Robert Sneathen as the Petitioner herein.

³ 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 (2012).

that the influenza immunization is the cause of Sandra Sneathen's alleged [GBS] or any other injury or her death, and further denies that Ms. Sneathen suffered a GBS Table injury ." Stipulation at ¶ 6.

Nevertheless, on June 16, 2020, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. I find the stipulation reasonable and adopt it as my decision awarding damages, on the terms set forth therein.

Pursuant to the terms stated in the attached Stipulation, **I award** the following compensation:

A lump sum of \$150,000.00 in the form of a check payable to Petitioner, as the legal representative of the Estate of Sandra Sneathen. Stipulation at ¶ 8. This amount represents compensation for all items of damages that would be available under § 15(a). *Id.*

I approve the requested amount for Petitioner's compensation. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.⁴

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

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

ROBERT SNEATHEN, as personal
representative of the estate of SANDRA
SNEATHEN, deceased,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 17-1466V
Chief Special Master Corcoran
ECF

STIPULATION

The parties hereby stipulate to the following matters:

1. Sandra Sneathen filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 to 34 (the "Vaccine Program").¹ The petition seeks compensation for injuries allegedly related to Ms. Sneathens's receipt of the influenza vaccine, which vaccine is contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. § 100.3(a).

2. Sandra Sneathen received the influenza vaccination on or about August 29, 2015.

3. The vaccine was administered within the United States.

4. Petitioner alleges that the influenza vaccine caused Sandra Sneathen to develop Guillain-Barre Syndrome and that she experienced the residual effects of this condition for more than six months.

¹ On June 25, 2019, Sandra Sneathen passed away. On August 15, 2019, Robert Sneathen was appointed personal representative of Sandra Sneathen's Estate. On August 28, 2019, the court granted petitioner's motion to substitute Robert Sneathen as the petitioner herein.

5. Petitioner represents that there has been no prior award or settlement of a civil action for damages as a result of Sandra Sneathen's alleged injuries and/or her death.

6. Respondent denies that the influenza immunization is the cause of Sandra Sneathen's alleged Guillain-Barre Syndrome or any other injury or condition or her death, and further denies that Ms. Sneathen suffered a GBS Table injury.

7. Maintaining their above-stated positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding the compensation described in paragraph 8 of this Stipulation.

8. As soon as practicable after an entry of judgment reflecting a decision consistent with the terms of this Stipulation, and after petitioner has filed an election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), the Secretary of Health and Human Services will issue the following vaccine compensation payment:

A lump sum of \$150,000.00 in the form of a check payable to petitioner, as the legal representative of the Estate of Sandra Sneathen. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).

9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioner has filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the parties will submit to further proceedings before the special master to award reasonable attorneys' fees and costs incurred in proceeding upon this petition.

10. Petitioner and his attorney represent that they have identified to respondent all known sources of payment for items or services for which the Program is not primarily liable under 42 U.S.C. § 300aa-15(g), including State compensation programs, insurance policies, Federal or State

health benefits programs (other than Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.)), or entities that provide health services on a pre-paid basis.

11. Payment made pursuant to paragraph 8 of this Stipulation, and any amount awarded pursuant to paragraph 9, will be made in accordance with 42 U.S.C. § 300aa-15(i), subject to the availability of sufficient statutory funds.

12. Petitioner represents that he presently is duly authorized to serve as guardian/conservator of Ms. Sneathen's estate under the laws of the Commonwealth of Pennsylvania. Petitioner has filed documentation establishing his appointment as Personal Representative of the Estate of Sandra Sneathen under the laws of the Commonwealth of Pennsylvania. If petitioner is not authorized by a court of competent jurisdiction to serve as guardian/conservator of Ms. Sneathen's estate at the time payment pursuant to this Stipulation is to be made, any such payment shall be paid to the parties appointed by a court of competent jurisdiction to serve as guardian/conservator of Ms. Sneathen's estate upon submission of written documentation of such appointment to the Secretary.

13. In return for the payment described in paragraph 8, and any amount awarded pursuant to paragraph 9, petitioner, in his individual capacity, and as administrator of Sandra Sneathen's Estate, on behalf of himself, the Estate, and Ms. Sneathen's heirs, executors, administrators, successors and/or assigns, does forever irrevocably and unconditionally release, acquit and discharge the United States and the Secretary of Health and Human Services from any and all actions or causes of action (including agreements, judgments, claims, damages, loss of services, expenses and all demands of whatever kind or nature) that have been brought, could have been brought, or could be timely brought in the Court of Federal Claims, under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 et seq., on account of, or in any way growing out of, any and all known or unknown, suspected or unsuspected personal injuries to or death of

petitioner resulting from, or alleged to have resulted from, the influenza vaccine administered on or about August 29, 2015, as alleged by Sandra Sneathen in a petition for vaccine compensation filed on or about October 6, 2017, in the United States Court of Federal Claims as petition No. 17-1466V.

14. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation or if the Court of Federal Claims fails to enter judgment in conformity with a decision that is in complete conformity with the terms of this Stipulation, then the parties' settlement and this Stipulation shall be voidable at the sole discretion of either party.

15. This Stipulation expresses a full and complete negotiated settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended, except as otherwise noted in paragraph 9 above. There is absolutely no agreement on the part of the parties hereto to make any payment or do any act or thing other than is herein expressly stated and clearly agreed to. The parties further agree and understand that the award described in this Stipulation may reflect a compromise of the parties' respective positions as to liability and/or amount of damages and further, that a change in the items of compensation sought, is not grounds to modify or revise this agreement.

16. This Stipulation shall not be construed as an admission by the United States or the Secretary of Health and Human Services that the influenza vaccine caused Sandra Sneathen's alleged Guillain-Barre Syndrome or any other injury or her death, or that Sandra Sneathen's death occurred as the result of a vaccine-related injury.

17. All rights and obligations of petitioner hereunder shall apply equally to petitioner's heirs, executors, administrators, successors, and/or assigns as legal representatives of the Estate of Sandra Sneathen.

END OF STIPULATION

Respectfully submitted,


PETITIONER:


ROBERT SNEATHEN

**ATTORNEY OF RECORD FOR
PETITIONER:**


ALISON H. HASKINS, ESQ.
Maglio Christopher & Toale
1605 Main Street, Suite 710
Sarasota, FL 34236

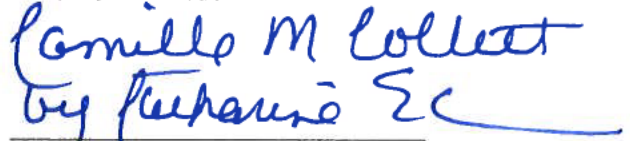
**AUTHORIZED REPRESENTATIVE
OF THE ATTORNEY GENERAL:**


CATHARINE E. REEVES
Deputy Director
Torts Branch
Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, DC 20044-0146

**AUTHORIZED REPRESENTATIVE
OF THE SECRETARY OF HEALTH
AND HUMAN SERVICES:**

Ward Sorensen for
NARAYAN NAIR, M.D.
Director, Division of Injury Compensation
Programs (DICP)
Healthcare Systems Bureau
U.S. Department of Health and Human Services
5600 Fishers Lane
Parklawn Building, Mail Stop 08N146B
Rockville, MD 20857

**ATTORNEY OF RECORD FOR
RESPONDENT:**


CAMILLE M. COLLETT
Trial Attorney
Torts Branch
Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, DC 20044-0146
Tel: (202) 616-4098

DATE: 6/16/20