



Report from the Department of Justice

June 15, 2018

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Statistics

Reporting Period: 2/16/18 – 5/15/18

- I. Total Petitions Filed in the United States Court of Federal Claims this reporting period: 263
 - A. Minors: 23
 - B. Adults: 240

Statistics

Reporting Period: 2/16/18 – 5/15/18

II. Total Petitions Adjudicated this reporting period: 147

A. Compensated: 113

i. Cases conceded by HHS: 43

1. Decision awarding damages: 0

2. Decision adopting Proffer: 43

3. Decision adopting Settlement: 0

ii. Cases not conceded by HHS: 70

1. Decision awarding damages: 2

2. Decision adopting Proffer: 0

3. Decision adopting Settlement: 68

B. Not Compensated/Dismissed: 34

i. Decision dismissing Non-OAP: 34

ii. Decision dismissing OAP: 0

Statistics

Reporting Period: 11/16/17 – 2/15/18

III. Total Petitions Voluntarily Withdrawn this reporting period (no judgment will be issued): 2

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

Decided Cases

Appeals by Petitioner:

- *D'Tiole v. HHS*: (Entitlement)
- *Anderson v. HHS*: (Entitlement)
- *Galindo v. HHS*: (Writ of Mandamus)

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

Pending Cases

Appeals by Petitioner:

- *Oliver v. HHS*: (Entitlement)
- *Depena v. HHS*: (Entitlement)
- *Olson v. HHS*: (Entitlement)
- *McCollum v. HHS*: (Entitlement)
- *Krakov v. HHS*: (Atty's Fees and Costs)
- *Rogero v. HHS*: (Entitlement)

*Yellow cases are new this reporting period

Appeals: U.S. Court of Federal Claims

Decided Cases

Appeals by Petitioner:

- *Caruso v. HHS*: (Entitlement)
- *Bender v. HHS*: (Entitlement)
- *Diedrich v. HHS*: (Entitlement)
- *Greene v. HHS*: (Entitlement)

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

Appeals: U.S. Court of Federal Claims

Decided Cases

Appeals by Respondent:

- *McCulloch v. HHS*: (Attys' Fees and Costs)
- *Fairchild v. HHS*: (Interim Damages)

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:

- *Crespo v. HHS: (Attys' Fees and Costs)*
- *Harrington v. HHS: (Entitlement)*
- *L.P. p/o/g Petty v. HHS: (Attorneys' Fees & Costs)*
- *Gramza v. HHS: (Entitlement)*
- *Moczek v. HHS: (Entitlement)*
- *Soghomanian v. HHS: (Entitlement)*
- *Highland v. HHS: (Attys' Fees and Costs)*

Appeals: U.S. Court of Federal Claims

Pending Cases

Appeals by Respondent:

- *Spahn v. HHS*: (Attys' Fees and Costs)
- *Amankwaa v. HHS*: (Attys' Fees and Costs)
- *Boatmon v. HHS*: (Entitlement)
- *Cottingham v. HHS*: (Attys' Fees and Costs)
- *McIntosh v. HHS*: (Attys' Fees and Costs)

Scheduled Oral Arguments

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

- *Oliver v. HHS*: (June 6, 2018)
- *Depena v. HHS*: (July 9, 2018)

U.S. Court of Federal Claims:

- *Boatmon v. HHS*: (June 5, 2018)

Adjudicated Settlements*

Reporting Period: 2/16/18 – 5/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
1. DTaP; IPV/OPV; PCV-13; Hep B; Rotavirus vaccinations	TM	4 Years 3 Months
2. MMR; PCV; Hep A	ADEM	4 Years
3. HPV	RA	4 Years
4. Flu	Acute Hemorrhagic Leukoencephalitis: Annuity	4 Years
5. Flu	Neurologic Injuries	3 Years 5 Months
6. Flu	Lupus	3 Years 5 Monhs
7. Hep A; Flu	Immune Trombocytopenic Purpura	3 Years
8. Tdap	CRPS	3 Years
9. Flu	NMBDA Receptor Encephalitis	2 Years 6 Months
10. Flu	GBS	2 Years 5 Months
11. Flu	Sensorineural hearing loss	2 Years 5 Months
12. Hep A	Autoimmune Aplastic Anemia	2 Years 5 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/18 – 5/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
13. Flu	PMR	2 Years 3 Months
14. Flu	GBS	2 Years 2 Months
15. Flu	CIDP	2 Years 2 Months
16. Flu	TM	2 Years
17. Flu	GBS; Cerebellitis; Neuropathy	2 Years
18. Flu	Paresthesia; Cervical/Cranial Dystonia	1 Year 8 Months
19. Flu	TM	1 Year 7 Months
20. Flu	ADEM	1 Year 7 Months
21. Flu	SIRVA	1 Year 6 Months
22. Flu	GBS	1 Year 6 Months
23. TDaP	SIRVA	1 Year 6 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/18 – 5/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
24. Flu	TM	1 Year 5 Months
25. Flu	CIDP	1 Year 5 Months
26. Flu	Encephalopathy; Death	1 Year 5 Months
27. Flu	SIRVA	1 Year 4 Months
28. Flu	GBS	1 Year 4 Months
29. Tdap; MCV	GBS	1 Year 4 Months
30. Flu	SIRVA	1 Year 4 Months
31. TDaP	GBS	1 Year 4 Months
32. PCV	SIRVA	1 Year 4 Months
33. Flu	PMR	1 Year 3 Months
34. Flu	SIRVA	1 Year 3 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/18 – 5/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
35. Flu	SIRVA	1 Year 3 Months
36. Tdap	GBS	1 Year 3 Months
37. Flu	Brachial Plexitis	1 Year 3 Months
38. Flu	SIRVA	1 Year 2 Months
39. Flu	SIRVA	1 Year 2 Months
40. Flu	TM	1 Year 2 Months
41. Flu	SIRVA	1 Year 2 Months
42. Flu	SIRVA	1 Year 2 Months
43. Flu	SIRVA	1 Year 2 Months
44. Flu	GBS	1 Year 2 Months
45. Flu	GBS	1 Year 2 Months

Adjudicated Settlements*

Reporting Period: 2/16/18 – 5/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
46. Flu	SIRVA	1 Year 1 Month
47. Flu	SIRVA	1 Year 1 Month
48. Flu	SIRVA; Parsonage Turner Syndrome	1 Year 1 Month
49. Flu	SIRVA	1 Year 1 Month
50. Flu	SIRVA	1 Year 1 Month
51. Flu	ADEM	1 Year 1 Month
52. PCV	SIRVA	1 Year 1 Month
53. Flu	SIRVA	1 Year 1 Month
54. Varicella Vaccine	Varicella	1 Year
55. Flu	SIRVA	1 Year
56. Flu	PCV; SIRVA	1 Year

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/18 – 5/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
57. Flu	SIRVA	1 Year
58. Flu	SIRVA	1 Year
59. Flu	TM	1 Year
60. PCV	SIRVA	1 Year
61. Flu	GBS	1 Year
62. Flu	SIRVA	1 Year
63. TDaP	SIRVA	9 Months
64. Flu	SIRVA	9 Months
65. TD	GBS	9 Months
66. Flu	SIRVA	9 Months
67. Flu	SIRVA	9 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/18 – 5/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
68. Flu Terms of compensated settlements memorialized by Stipulation	GBS	7 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.

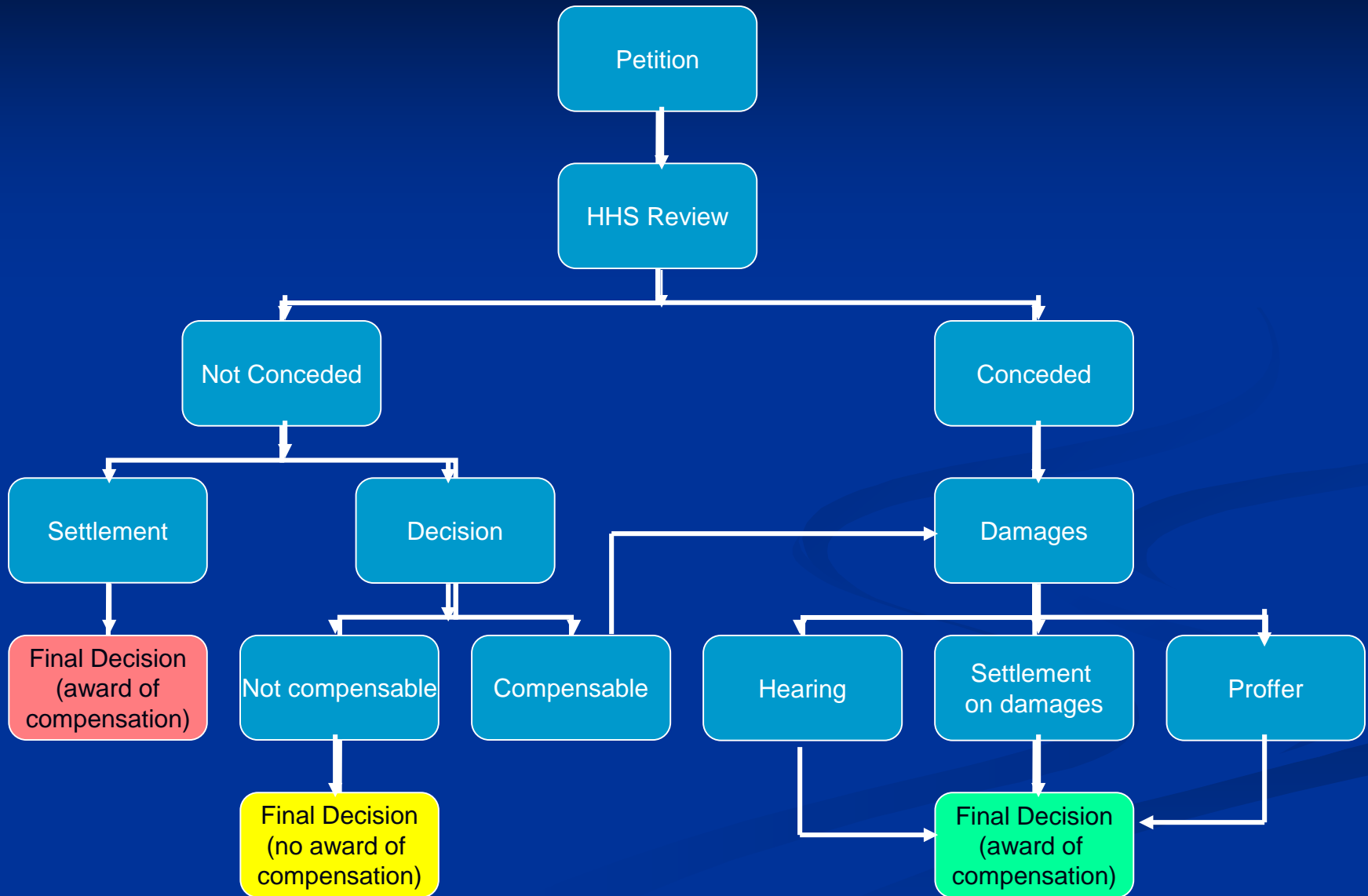
Glossary of Terms

- **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

