



Report from the Department of Justice

September 6, 2018

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Statistics

Reporting Period: 5/16/18 – 8/15/18

- I. Total Petitions Filed in the United States Court of Federal Claims this reporting period: 294
 - A. Minors: 17
 - B. Adults: 277

Statistics

Reporting Period: 5/16/18 – 8/15/18

II. Total Petitions Adjudicated this reporting period: 198

A. Compensated: 139

i. Cases conceded by HHS: 66

1. Decision awarding damages: 4
2. Decision adopting Proffer: 62
3. Decision adopting Settlement: 0

ii. Cases not conceded by HHS: 73

1. Decision awarding damages: 0
2. Decision adopting Proffer: 0
3. Decision adopting Settlement: 73

B. Not Compensated/Dismissed: 59

- i. Decision dismissing Non-OAP: 59
- ii. Decision dismissing OAP: 0

Statistics

Reporting Period: 5/16/18 – 8/15/18

III. Total Petitions Voluntarily Withdrawn this reporting period (no judgment will be issued): 7

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

Decided Cases

Appeals by Petitioner:

- *Depena v. HHS* (Entitlement): Affirmed

Appeals by Respondent:

- None at this time

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:

- *Oliver v. HHS* (Entitlement)
- *Olson v. HHS* (Entitlement)
- *McCollum v. HHS* (Entitlement)
- *R.K. v. HHS* (Attys' Fees and Costs)
- *Rogero v. HHS* (Entitlement)
- *Gaiter v. HHS* (Entitlement)

Appeals by Respondent:

- None at this time

*Yellow cases are new this reporting period

Appeals: U.S. Court of Federal Claims

Decided Cases

Appeals by Petitioner:

- *Harrington v. HHS* (Entitlement): Affirmed
- *Highland v. HHS* (Attys' Fees and Costs): Affirmed
- *Soghomonian v. HHS* (Entitlement): Affirmed
- *Crespo v. HHS* (Attys' Fees and Costs): Affirmed
- *Moczek v. HHS* (Entitlement): Affirmed
- *Gramza v. HHS* (Entitlement): Affirmed

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:

- *Boatmon v. HHS* (Entitlement): Vacated and Dismissed
- *Amankwaa v. HHS* (Attys' Fees and Costs): Reversed
- *McIntosh v. HHS* (Attys' Fees and Costs): Remanded
- *Spahn v. HHS* (Attys' Fees and Costs): Reversed in Part and Sustained in Part
- *Cottingham v. HHS* (Attys' Fees and Costs): Remanded

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:

- *L.P. p/o/g Petty v. HHS* (Attys' Fees & Costs)
- *Cottingham v. HHS* (Attys' Fees and Costs)
- *Bekiaris v. HHS* (Attys' Fees & Costs)
- *Bender v. HHS* (Entitlement)
- *De Souza v. HHS* (Attys' Fees & Costs)
- *Kreizenbeck v. HHS* (Entitlement)
- *Miles v. HHS* (Entitlement)
- *Skinner-Smith v. HHS* (Entitlement)
- *Austin v. HHS* (Entitlement)
- *Miller v. HHS* (Entitlement)
- *Dougherty v. HHS* (Entitlement)

*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: 5/16/18 – 8/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
1. Flu	GBS; Myasthenia Gravis	7 Years, 9 Months
2. Flu	MS	6 Years, 1 Months
3. TDaP	GBS; CIDP	3 Years, 9 Months
4. TDaP	CRPS; Reflex sympathetic Dystrophy	3 Years, 5 Months
5. TDaP	Brachial Neuritis	3 Years, 4 Months
6. Flu	SIRVA	3 Years
7. Flu	TM	2 Years, 10 Months
8. Flu; TDaP	CIDP	2 Years, 9 Months
9. Flu	SIRVA	2 Years, 8 Months
10. DTaP	Cardiomyopathy; Exacerbation of Pre-Existing Condition	2 Years, 7 Months
11. TDaP	MMR	2 Years, 5 Months
*Terms of compensated settlements memorialized by Stipulation		

Adjudicated Settlements*

Reporting Period: 5/16/18 – 8/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
12. Flu	GBS	2 Years, 6 Months
13. Flu	TM	2 Years, 5 Months
14. TDaP	GBS	2 Years, 5 Months
15. Rotavirus Vaccine	Intussusception	2 Years, 3 Months
16. TDaP	GBS	2 Years, 2 Months
17. Flu	GBS	2 Years
18. TDaP	GBS	2 Years
19. Flu	GBS	2 Years
20. DTaP; IPV	Thrombocytopenia Purpura	1 Year, 11 Months
21. PVC	GBS	1 Year, 9 Months
22. Flu	ADEM	1 Year, 9 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 5/16/18 – 8/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
23. Flu	SIRVA	1 Year, 9 Months
24. Flu	GBS	1 Year, 8 Months
25. Flu	TM	1 Year, 8 Months
26. Flu	GBS	1 Year, 8 Months
27. Flu	CIDP	1 Year, 8 Months
28. Flu	Peripheral Neuropathy	1 Year, 7 Months
29. Flu	SIRVA	1 Year, 7 Months
30. TDaP	SIRVA	1 Year, 7 Months
31. Flu	SIRVA	1 Year, 6 Months
32. Flu	SIRVA	1 Year, 6 Months
33. Flu	GBS	1 Year, 6 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 5/16/18 – 8/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
34. Flu	SIRVA	1 Year, 7 Months
35. Flu	GBS	1 Year, 7 Months
36. Flu	SIRVA	1 Year, 6 Months
37. Flu	Shoulder Myositis	1 Year, 6 Months
38. Flu	SIRVA	1 Year, 6 Months
39. PCV; Flu	SIRVA	1 Year, 6 Months
40. Flu	GBS	1 Year, 5 Months
41. Tdap	SIRVA	1 Year, 5 Months
42. PCV	Rheumatoid Arthritis	1 Year, 5 Months
43. Hep B; HIB; Varicella Vaccine	ITP	1 Year, 4 Months
44. Flu	GBS	1 Year, 4 Months

Adjudicated Settlements*

Reporting Period: 5/16/18 – 8/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
45. Flu	SIRVA	1 Year, 4 Months
46. TDaP	GBS	1 Year, 4 Months
47. PCV	SIRVA	1 Year, 4 Months
48. Flu	SIRVA	1 Year, 4 Months
49. TDaP	SIRVA	1 Year, 4 Months
50. TDaP	SIRVA	1 Year, 4 Months
51. HPV	SIRVA	1 Year, 4 Months
52. Flu	GBS	1 Year, 3 Months
53. TDaP	SIRVA	1 Year, 3 Months
54. Flu	SIRVA	1 Year, 2 Months
55. Flu	GBS	1 Year, 2 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 5/16/18 – 8/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
56. Flu	SIRVA	1 Year, 2 Months
57. Flu	CIDP	1 Year, 2 Months
58. PCV	SIRVA	1 Year, 3 Months
59. Flu	ADEM	1 Year, 2 Months
60. Flu	Optic Neuropathy	1 Year, 2 Months
61. TDaP	SIRVA	1 Year, 2 Months
62. Flu	SIRVA	1 Year, 2 Months
63. Flu	SIRVA	1 Year, 2 Months
64. Flu	SIRVA	1 Year, 1 Months
65. Flu	SIRVA	1 Year, 1 Months
66. Flu	SIRVA	1 Year, 1 Months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 5/16/18 – 8/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
67. Flu	SIRVA	1 Year
68. Tdap	SIRVA	1 Year
69. Flu	SIRVA	1 Year
70. Flu	SIRVA	11 Months
71. Flu	SIRVA	12 Months
72. Flu	SIRVA	11 Months
73. Flu	Extremity Vaccination Injury	8 Months
*Terms of compensated settlements memorialized by Stipulation		

(continued . . .)

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.

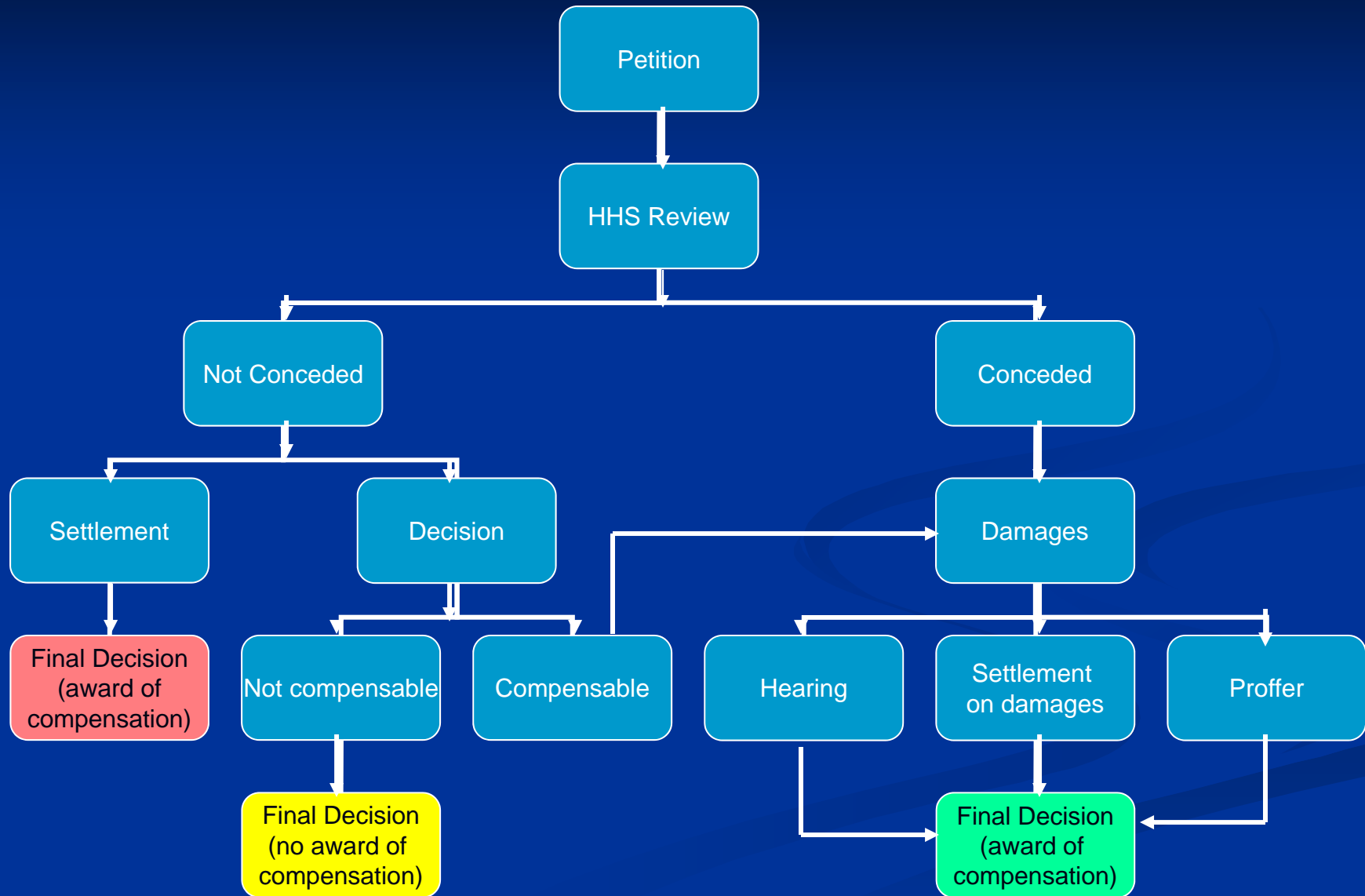
Glossary of Terms

- **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.₂₀

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

