



March 8, 2012

Mark W. Rogers, J.D.
Acting Director, Torts Branch

Statistics

Reporting Period: 11/16/11 – 2/15/12

- I. Total Petitions Filed in the United States Court of Federal Claims this reporting period: 67
 - A. Autism: 0
 - B. Non-Autism: 67
 - i. Minors: 22
 - ii. Adults: 45

Statistics

Reporting Period: 11/16/11 – 2/15/12

II. Total Petitions Adjudicated this reporting period: 850

A. Compensated: 55

i. Cases conceded by HHS: 3

1. Decision awarding damages: 0

2. Decision adopting Proffer: 3

3. Decision adopting Settlement: 0

ii. Cases not conceded by HHS: 52

1. Decision awarding damages: 0

2. Decision adopting Proffer: 5

3. Decision adopting Settlement: 47

B. Not Compensated/Dismissed: 795

i. Decision dismissing Non-Autism: 50

ii. Decision dismissing Autism: 745

Statistics

Reporting Period: 11/16/11 – 2/15/12

III. Total Petitions Voluntarily Withdrawn this reporting period (no judgment will be issued): 3

A. Non-Autism: 3

B. Autism: 0

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 has determined that a petition should be compensated based on review and analysis of the medical records.

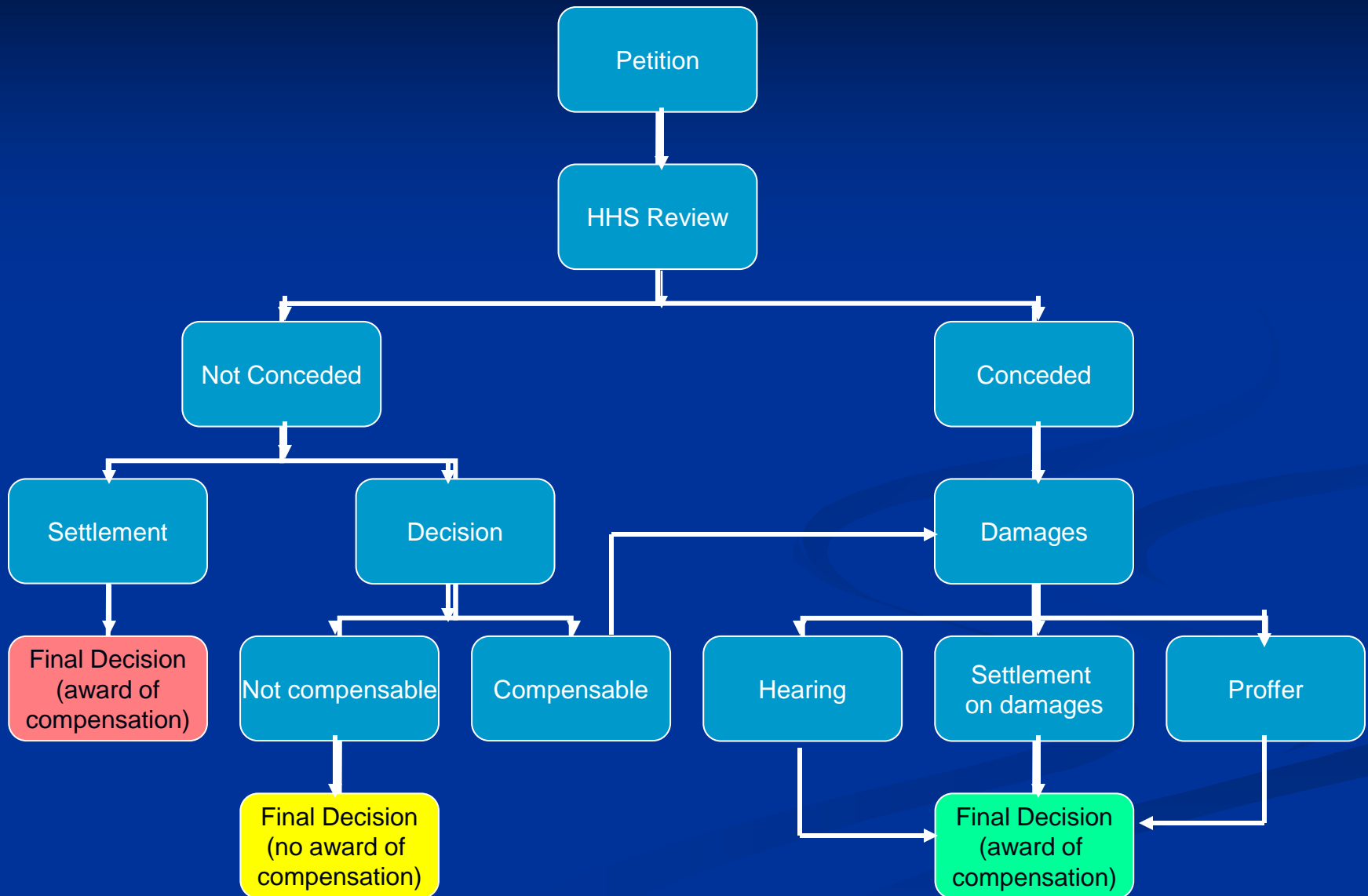
Glossary of Terms

- **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.⁶

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



Appeals: CAFC

Recently Decided Cases at the U.S. Court of Appeals for the Federal Circuit:

Appeals by Petitioner:

- *Caves v. HHS*: Affirmed (Entitlement)
- *Kennedy v. HHS*: Dismissed for failure to prosecute
(Entitlement/Relief from Prior Judgment)

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

Appeals: CAFC

Pending Cases at the U.S. Court of Appeals for the Federal Circuit:

Appeals by Petitioner:

- *Argueta v. HHS* (Entitlement)
- *Figueroa v. HHS* (Jurisdiction)
- *Connor v. HHS* (Entitlement)
- *Veryzer v. HHS* (Entitlement)
- *Hibbard v. HHS* (Entitlement)
- *Griglock v. HHS* (Statute of Limitations)
- *Locane v. HHS* (Entitlement)
- *Hammitt v. HHS* (Entitlement)
- *Stone v. HHS* (Entitlement)
- *Simanski v. HHS* (Entitlement)
- *Carson v. HHS* (Entitlement)
- *Masias v. HHS* (Attorneys' Fees and Costs)
- *Cloer v. HHS* (Statute of Limitations)

Appeals by Respondent:

- *Heinzelman v. HHS* (Entitlement)
- *Hager v. HHS* (Entitlement)

Appeals: CFC

Recently Decided Cases at the U.S. Court of Federal Claims:

Appeals by Petitioner:

- *Goetz v. HHS*: Affirmed (Relief from Judgment)
- *Argueta v. HHS*: Affirmed (Entitlement)
- *Mojica v. HHS*: Motion for Relief Granted (Relief from Judgment, Equitable Tolling)
- *Figueroa v. HHS*: Affirmed (Jurisdiction)

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

Appeals: CFC

Pending Cases at the U.S. Court of Federal Claims:

Appeals by Petitioner:

- *Shapiro v. HHS* (Entitlement)
- *Paluck v. HHS* (Entitlement)
- *Deribeaux v. HHS* (Entitlement)
- *Viscontini v. HHS* (Entitlement)
- *Phillips-DeLoatch v. HHS* (Entitlement)
- *Holmes v. HHS* (Entitlement)
- *Langland v. HHS* (Entitlement)

Appeals by Respondent:

- *Hiland v. HHS* (Interim Attorneys' Fees and Costs)
- *McKellar v. HHS* (Interim Attorneys' Fees and Costs)
- *Woods v. HHS* (Interim Attorneys' Fees and Costs)

Scheduled Oral Arguments

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

- *Hammitt v. HHS*: 3/5/12
- *Stone v. HHS*: 3/5/12

U.S. Court of Federal Claims:

- *Paluck v. HHS*: 3/21/12

Adjudicated Settlements*

Reporting Period: 11/16/11 – 2/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Hep A, Tdap	Immunological injuries, ongoing allergic reactions	2 years, 3 months
Tdap, meningococcal conjugate, Hep A	Brachial neuritis/neuropathy	10 months
Influenza	Guillain-Barré Syndrome	1 year, 10 months
Influenza	Guillain-Barré Syndrome	2 years, 3 months
Tdap, meningococcal conjugate, Hep A	Brachial neuritis	1 year, 8 months
Influenza	Guillain-Barré Syndrome	1 year, 4 months
Varicella	Vasculopathic cervical spinal cord infarction	9 months
Influenza	Guillain-Barré Syndrome	5 months
Influenza	Transverse Myelitis, death	4 years, 4 months
Hep A	Neurological injuries, specifically Complex Regional Pain Syndrome	1 year, 10 months

Adjudicated Settlements

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Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Influenza	Guillain-Barré Syndrome	1 year, 6 months
Tdap, Influenza	Idiopathic thrombocytopenia purpura	6 months
DTAP, Hep B, Hib, IPV, PCV	Encephalopathy, developmental delay, seizure disorder	2 years, 6 months
DTaP, IPV, MMR, Varicella	Encephalopathy, hypersomnia, acquired narcolepsy	2 years, 8 months
MMR, Hep A, Varicella	Stevens-Johnson Syndrome	7 months
DtaP, IPV, PCV, rotavirus, Hib	Strep infection in right hip joint, surgical intervention, disfiguring scar	1 year, 1 month
Influenza	Guillain-Barré Syndrome	2 years
Influenza	Guillain-Barré Syndrome and Chronic Inflammatory Demyelinating Polyneuropathy	2 years
Td	Rhabdomyolysis	1 year
Influenza	Guillain-Barré Syndrome	1 year, 11 months

(continued...)

Adjudicated Settlements

Reporting Period: 11/16/11 – 2/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Tdap, MMR, Hep A, Hep B	Guillain-Barré Syndrome	1 year, 6 months
Influenza	Guillain-Barré Syndrome	1 year, 2 months
Influenza	Peripheral neuropathy	4 years, 6 months
HPV, Hep A, meningococcal	Guillain-Barré Syndrome and/or a neuropathy	2 years, 8 months
MMR, PCV, Influenza, Varicella	Encephalopathy and cardiopulmonary arrest, death	4 years, 2 months
Influenza	Guillain-Barré Syndrome	1 year, 6 months
Influenza	Guillain-Barré Syndrome	1 year, 1 month
Td	Brachial neuritis	5 months
Influenza	Numerous medical problems, including right deltoid cellulitis, serum sickness, connective tissue disorder, rheumatoid arthritis, Sjogren's syndrome, autoimmune hepatitis, and fibromyalgia	4 years, 8 months

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Adjudicated Settlements

Reporting Period: 11/16/11 – 2/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Tdap	Optic nerve palsy	1 year, 3 months
Influenza	Guillain-Barré Syndrome	1 year, 2 months
DPT	Autoimmune reaction resulting in extensive and severe rash	12 years
Influenza	Guillain-Barré Syndrome	1 year, 5 months
DTaP, HIB, PCV, IPV	Seizure disorder	2 years, 11 months
Influenza	Guillain-Barré Syndrome	1 year, 9 months
HPV	Idiopathic thrombocytopenia purpura	1 year, 7 months
Influenza	Guillain-Barré Syndrome	1 year, 4 months
Influenza, Tdap, meningococcal	Transverse Myelitis	1 year, 4 months

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Adjudicated Settlements

Reporting Period: 11/16/11 – 2/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Tdap	Guillain-Barré Syndrome	11 months
Tdap, Influenza	Neurological injury	1 year
Influenza	Guillain-Barré Syndrome	10 months
Influenza	Guillain-Barré Syndrome	7 months
Influenza	Guillain-Barré Syndrome	2 years, 1 month
HPV	Guillain-Barré Syndrome	3 years, 7 months
Influenza	Guillain-Barré Syndrome	1 year, 8 months
Influenza	Leukocytoclastic vasculitis and/or urticaria	1 year, 3 months
Influenza	Acute disseminated encephalomyelitis	1 year, 1 month

Total Number of Judgments Adopting Settlement this reporting period: 47