



September 6, 2012

Vincent J. Matanoski, J.D.
Acting Deputy Director, Torts Branch

Statistics

Reporting Period: 5/16/12 – 8/15/12

- I. Total Petitions Filed in the United States Court of Federal Claims this reporting period: 91
 - A. Autism: 0
 - B. Non-Autism: 91
 - i. Minors: 20
 - ii. Adults: 71

Statistics

Reporting Period: 5/16/12 – 8/15/12

II. Total Petitions Adjudicated this reporting period: 502

A. Compensated: 72

i. Cases conceded by HHS: 4

1. Decision awarding damages: 0

2. Decision adopting Proffer: 3

3. Decision adopting Settlement: 1

ii. Cases not conceded by HHS: 68

1. Decision awarding damages: 0

2. Decision adopting Proffer: 4

3. Decision adopting Settlement: 64

B. Not Compensated/Dismissed: 430

i. Decision dismissing Non-Autism: 68

ii. Decision dismissing Autism: 362

Statistics

Reporting Period: 5/16/12 – 8/15/12

III. Total Petitions Voluntarily Withdrawn this reporting period (no judgment will be issued): 1

A. Non-Autism: 1

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.

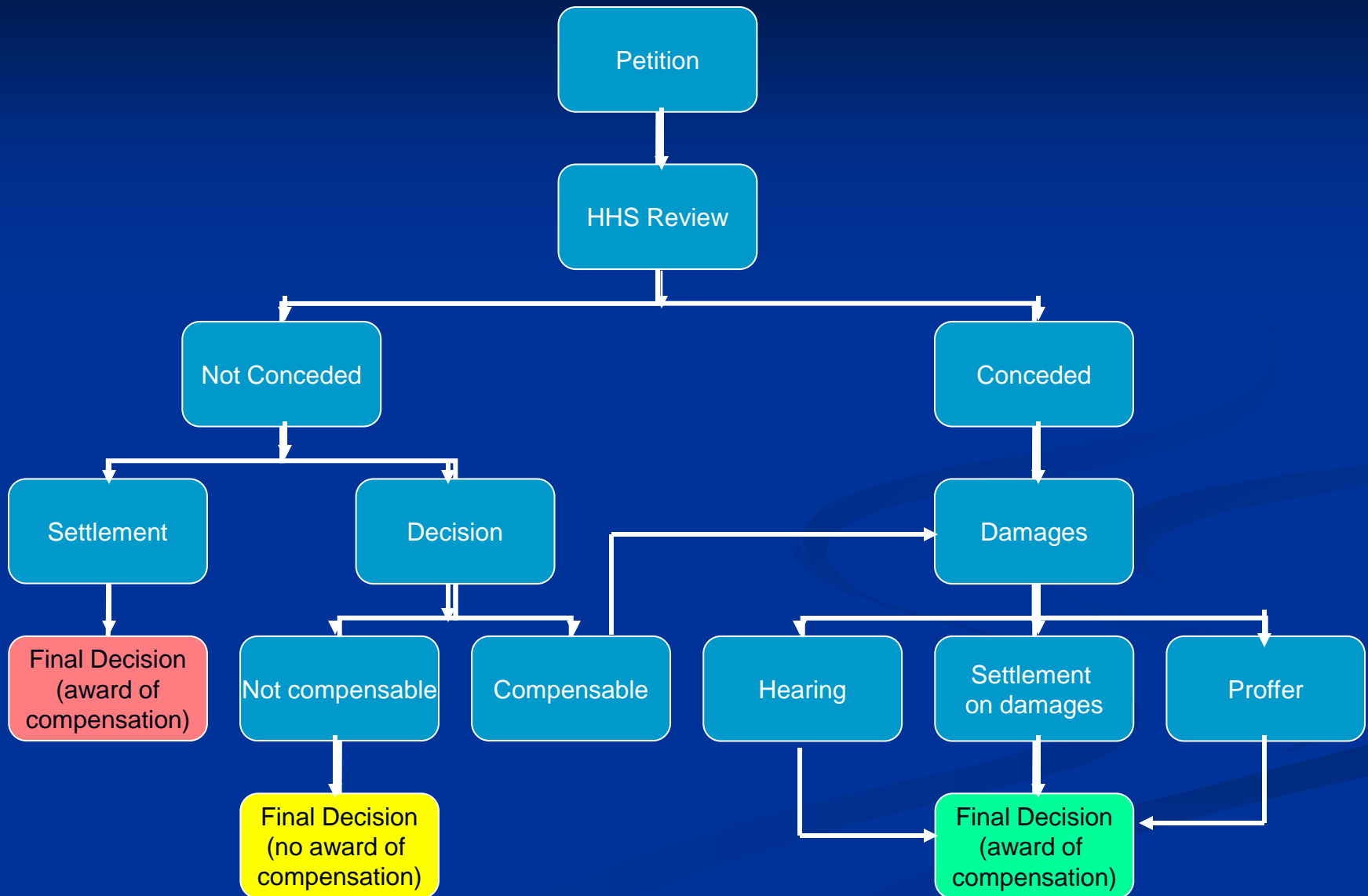
Glossary of Terms

- **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



Levels of Appeal in Vaccine Act Cases

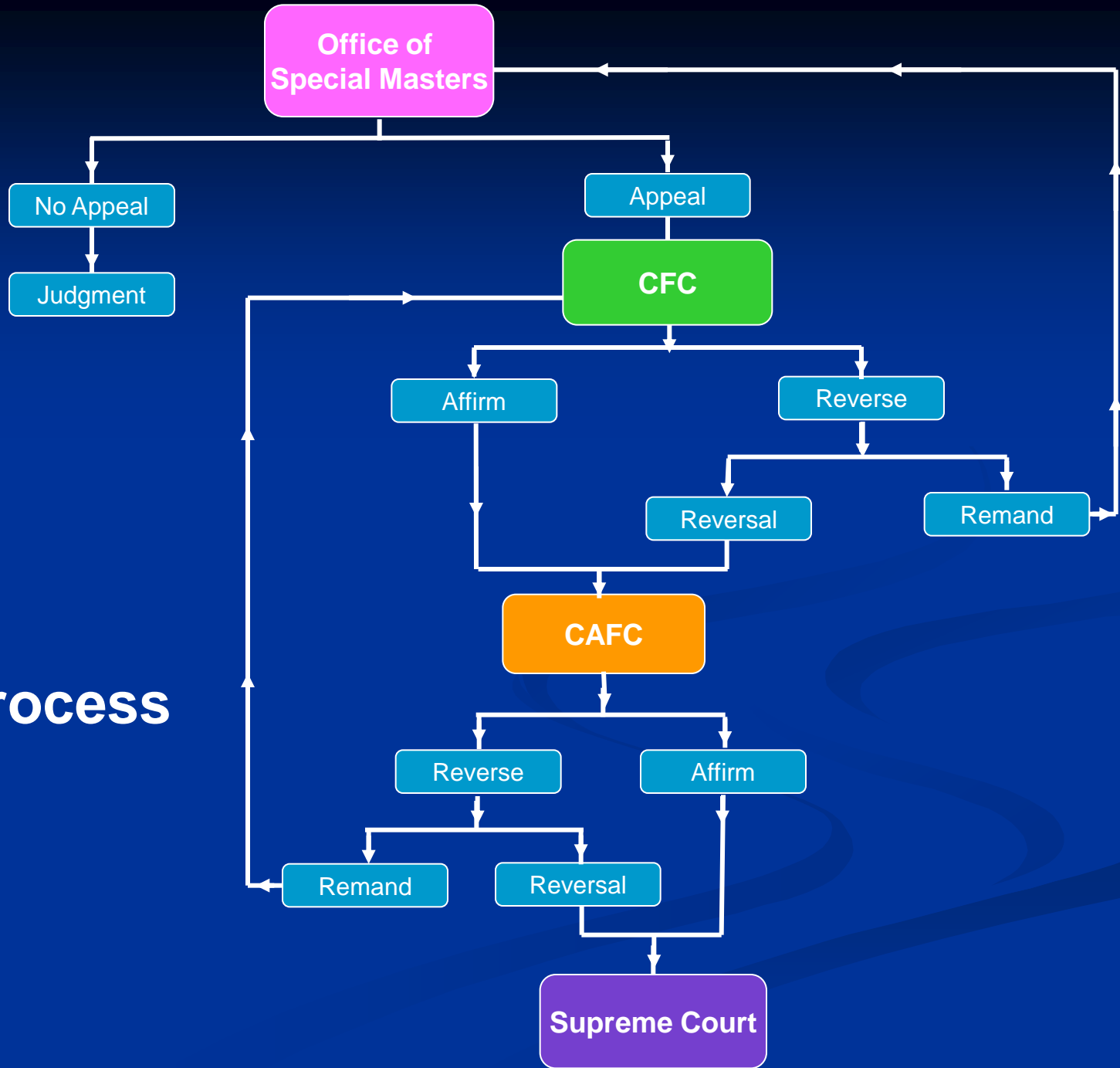
U.S. Supreme Court

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

U.S. Court of Federal Claims

Office of Special Masters

Appeals Process



Appeals: U.S. Supreme Court

- *HHS v. Cloer*: (Attorneys' Fees and Costs)
- Respondent filed a petition for writ of certiorari on August 22, 2012
- Respondent is appealing the Federal Circuit's 7-6 *en banc* decision regarding attorneys' fees and costs that was issued on April 11, 2012

<http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-236.htm>

Appeals: CAFC

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

Appeals by Petitioner:

- *Hammitt v. HHS* and *Stone v. HHS*: Petition for rehearing en banc denied (Entitlement)
- *Griglock v. HHS*: Affirmed (Statute of Limitations)
- *Veryzer v. HHS*: Affirmed (Entitlement)
- *Viscontini v. HHS*: Dismissed (Entitlement)
- *Locane v. HHS*: Affirmed (Entitlement)

Appeals by Respondent:

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

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:

- *Deribeaux v. HHS* (Entitlement)
- *Argueta v. HHS* (Entitlement)
- *Figueroa v. HHS* (Jurisdiction)
- *Connor v. HHS* (Entitlement)
- *Kennedy v. HHS* (Entitlement/Relief from Prior Judgment)
- *Hibbard v. HHS* (Entitlement)
- *Carson v. HHS* (Entitlement)

Appeals by Respondent:

- *Doe 21 v. HHS* (Entitlement)

Appeals: CFC

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

Appeals by Petitioner:

- *Castaldi v. HHS*: Motion for Review denied (Statute of Limitations)
- *Davis v. HHS*: Remanded (Attorneys' Fees and Costs)
- *Shapiro v. HHS*: Affirmed (Entitlement)

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:

- *Vaughan v. HHS* (Entitlement)
- *Silva v. HHS* (Attorneys' Fees and Costs)
- *Graves v. HHS* (Entitlement)
- *Contreras v. HHS* (Entitlement)
- *Holmes v. HHS* (Entitlement)
- *Langland v. HHS* (Entitlement)

Appeals by Respondent:

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

Scheduled Oral Arguments

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

- *Connor v. HHS*: 9/14/12

U.S. Court of Federal Claims:

- *None scheduled at this time*

Adjudicated Settlements*

Reporting Period: 5/16/12 – 8/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Influenza	Guillain-Barré Syndrome	9 months
Influenza	Guillain-Barré Syndrome	11 months
Influenza	Guillain-Barré Syndrome	1 year
Tdap	Skin conditions	6 months
HPV, Menactra	Syncope	1 year, 4 months
Influenza	Guillain-Barré Syndrome	11 months
Hepatitis B	Inflammatory myositis	2 years, 6 months
Influenza	Post infectious chronic fatigue syndrome, post inflammatory neuropathy, and monophasic inflammatory process	1 year, 8 months
Influenza	Rhomboencephalitis, dysautonomia, urinary dysfunction, fatigue, sexual dysfunction, and other physical symptoms and discomfort	1 year, 9 months

*Terms of settlement are memorialized by Stipulation

(continued . . .)

Adjudicated Settlements

Reporting Period: 5/16/12 – 8/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Tdap	Dermatomyositis and increased risk of cancer	1 year, 4 months
MMR, DTaP, HiB, Varicella	Encephalopathy or encephalitis resulting in a seizure disorder and developmental delays	6 years, 10 months
Td	Brachial neuritis and/or another shoulder injury	2 years, 11 months
Influenza	Chronic inflammatory demyelinating polyneuropathy	1 year, 3 months
Influenza	Transverse Myelitis	1 year
HPV, Menactra	Guillain-Barré Syndrome	2 years, 6 months
Influenza	Guillain-Barré Syndrome	1 year, 11 months
Influenza	Guillain-Barré Syndrome	2 years, 11 months
Td	Immunologic and neurologic injuries, including, but not limited to, impingement syndrome, adhesive capsulitis, bursitis, radiculopathy, brachial neuritis and brachial plexus neuropathy	2 years, 9 months

(continued . . .)

Adjudicated Settlements

Reporting Period: 5/16/12 – 8/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
HPV	Caused or significantly aggravated fibromyalgia	1 year, 11 months
Influenza	Guillain-Barré Syndrome	1 year
Tdap	Brachial neuritis and/or another shoulder injury	2 years, 4 months
DTaP	Infantile spasms and subsequent developmental delay	2 years
Influenza	Guillain-Barré Syndrome	1 year, 8 months
Influenza	Guillain-Barré Syndrome	1 year
Influenza	Guillain-Barré Syndrome	9 months
Influenza	Guillain-Barré Syndrome	6 months
Influenza	Acute hearing loss and vertigo	1 year, 7 months

(continued . . .)

Adjudicated Settlements

Reporting Period: 5/16/12 – 8/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Hepatitis A, Tdap	Toxic Epidermal Necrolysis	1 year, 11 months
Influenza	Ventricular fibrillation and cardiac arrest	2 years, 7 months
Influenza	Guillain-Barré Syndrome	2 years
Rotavirus	Intussusception	1 year, 5 months
Influenza	Neurological abnormalities, compatible with transverse myelitis	1 year, 1 month
Rotavirus	Intussusception	11 months
Influenza	Guillain-Barré Syndrome	2 years, 7 months
Influenza	Guillain-Barré Syndrome	1 year, 7 months
Hepatitis b, Hepatitis A, DT	Transverse Myelitis	6 years, 5 months

(continued . . .)

Adjudicated Settlements

Reporting Period: 5/16/12 – 8/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
HPV	Sciatic neuropathy	2 years, 5 months
Tdap	Neurological demyelinating injury or Guillain-Barre Syndrome	2 years, 8 months
Influenza	Transverse myelitis	1 year, 7 months
Influenza	Guillain-Barré Syndrome	2 years, 2 months
Influenza	Chronic inflammatory demyelinating polyneuropathy	9 months
Meningococcal	Transverse myelitis, multiple sclerosis	4 years, 2 months
Influenza	Generalized itching	2 years, 10 months
Rotavirus	Intussusception	1 year, 10 months
DTaP, Hep A	Transverse myelitis	2 years, 1 month

(continued . . .)

Adjudicated Settlements

Reporting Period: 5/16/12 – 8/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
MMR, IPV	Migratory arthritis and ataxia	10 years, 2 months
Influenza	Rheumatoid arthritis	2 years, 2 months
Td	Guillain-Barré Syndrome	11 months
Influenza	Guillain-Barré Syndrome	1 year, 3 months
DTaP, Hib, PCV, Rotavirus	Death	1 year, 1 month
Hep A	Anaphylactic shock, seizures, cardiac arrest, irreversible brain damage	2 years, 8 months
HPV	Guillain-Barré Syndrome, miscarriage	1 year, 11 months
Influenza	Encephalomyeloneuropathy	7 months
Hep B	Peripheral neuropathy	2 years, 4 months

(continued . . .)

Adjudicated Settlements

Reporting Period: 5/16/12 – 8/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Influenza	Transverse myelitis	9 months
Meningococcal conjugate	Guillain-Barré Syndrome	1 year, 4 months
Influenza	Transverse myelitis	1 year, 9 months
Influenza	Guillain-Barré Syndrome	1 year, 11 months
Tdap, Influenza	Guillain-Barré Syndrome	9 months
Influenza	Chronic urticaria or hives	2 years, 11 months
Influenza	Guillain-Barré Syndrome	11 months
Influenza	Guillain-Barré Syndrome	1 year, 3 months
HPV	Brachial neuritis	1 year

(continued . . .)

Adjudicated Settlements

Reporting Period: 5/16/12 – 8/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Influenza	Guillain-Barré Syndrome	10 months
Tdap	Systemic lupus erythematosus	1 year, 11 months

Total Number of Judgments Adopting Settlement this reporting period: 65