



June 14, 2012

Vincent J. Matanoski, J.D.
Assistant Director, Torts Branch

Statistics

Reporting Period: 2/16/12 – 5/15/12

- I. Total Petitions Filed in the United States Court of Federal Claims this reporting period: 96
 - A. Autism: 0
 - B. Non-Autism: 96
 - i. Minors: 26
 - ii. Adults: 70

Statistics

Reporting Period: 2/16/12 – 5/15/12

II. Total Petitions Adjudicated this reporting period: 731

A. Compensated: 54

i. Cases conceded by HHS: 5

1. Decision awarding damages: 0

2. Decision adopting Proffer: 4

3. Decision adopting Settlement: 1

ii. Cases not conceded by HHS: 49

1. Decision awarding damages: 1

2. Decision adopting Proffer: 5

3. Decision adopting Settlement: 43

B. Not Compensated/Dismissed: 677

i. Decision dismissing Non-Autism: 68

ii. Decision dismissing Autism: 609

Statistics

Reporting Period: 2/16/12 – 5/15/12

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 Total Petitions Voluntarily Withdrawn this reporting period (no judgment will be issued): 2

A. Non-Autism: 1

B. Autism: 1

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.

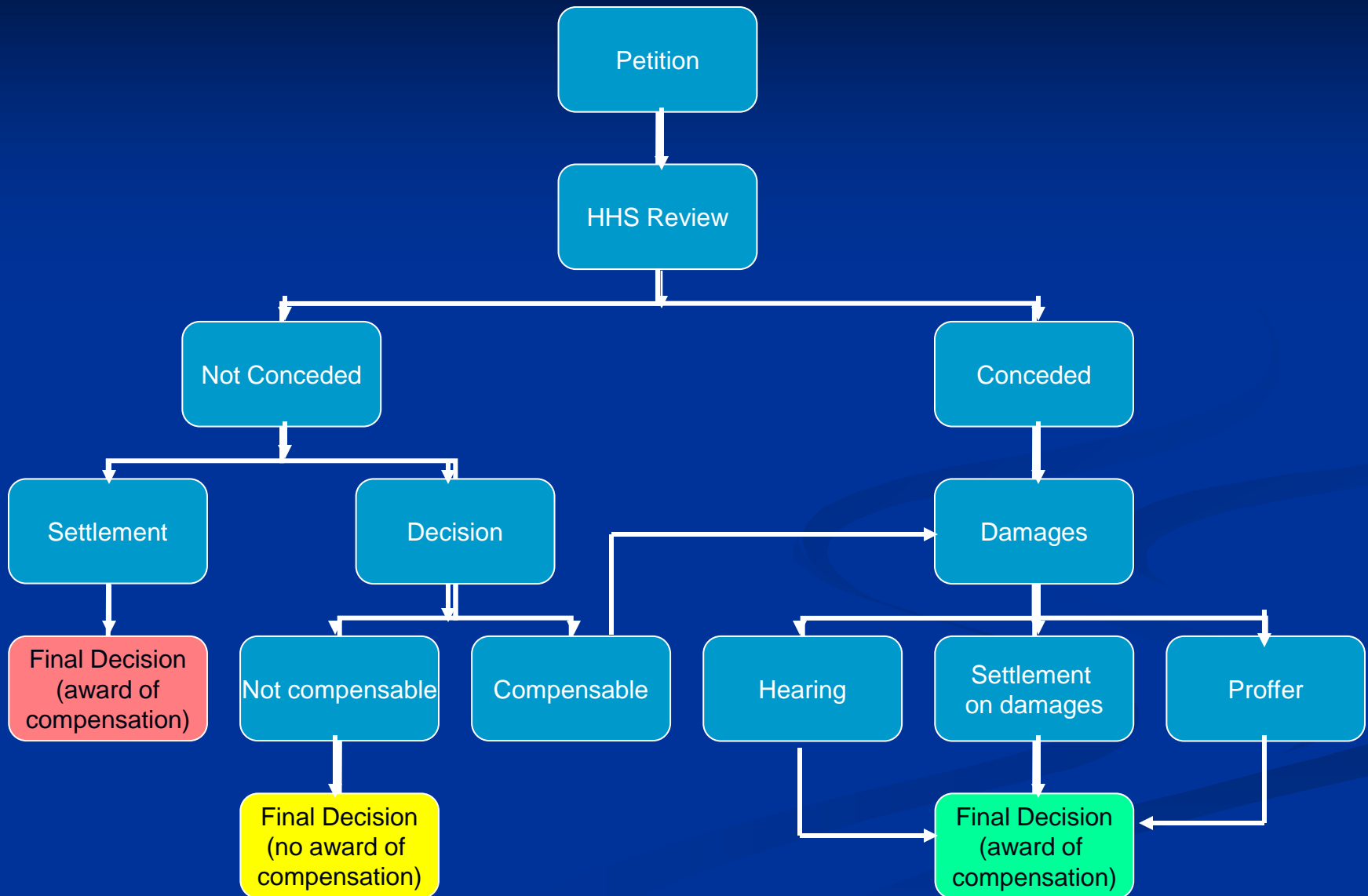
Glossary of Terms

- **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

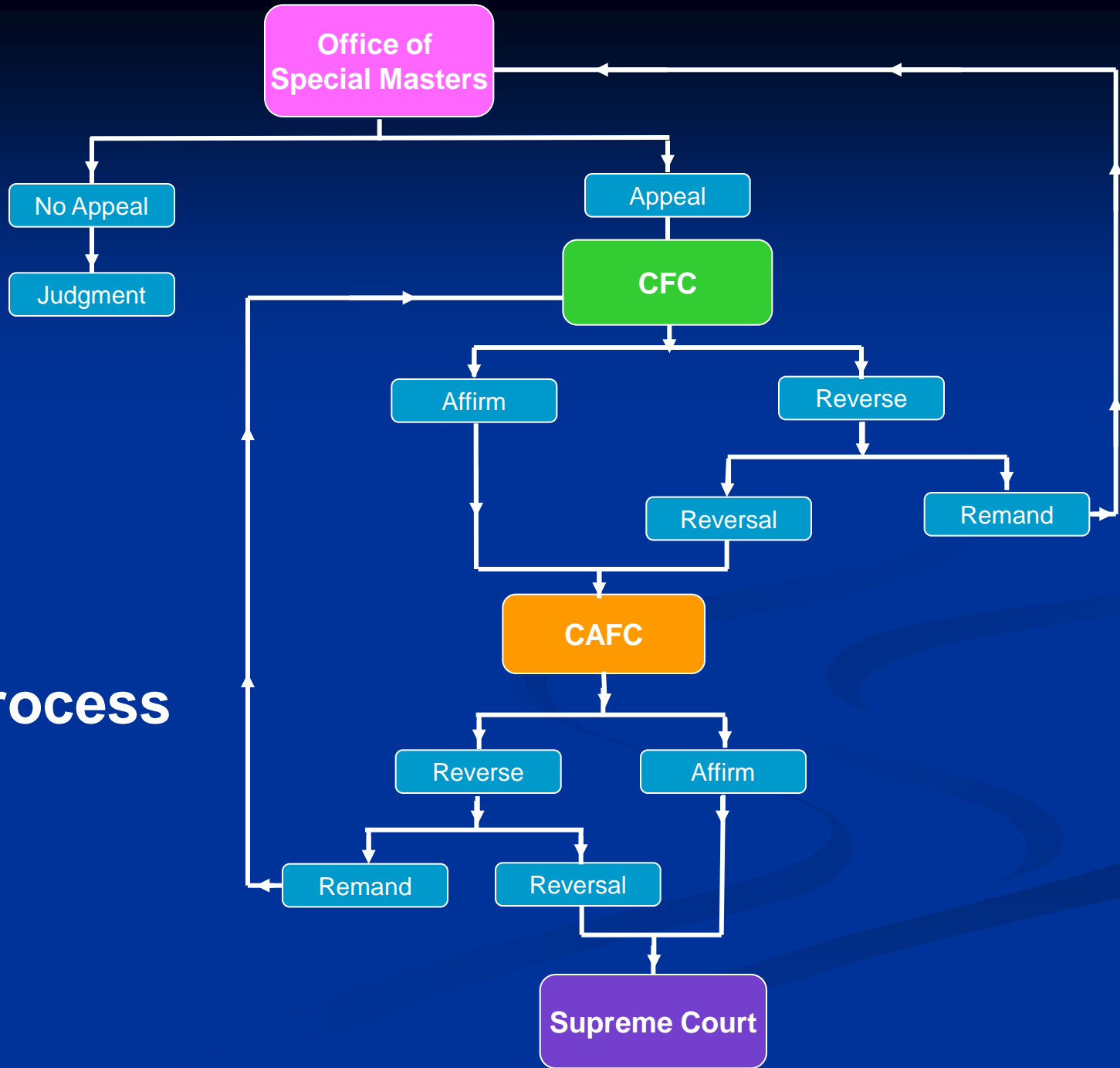
U.S. Supreme Court

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

U.S. Court of Federal Claims

Office of Special Masters

Appeals Process



Appeals: CAFC

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

Appeals by Petitioner:

- *Hammitt v. HHS*: Affirmed (Entitlement)
- *Stone v. HHS*: Affirmed (Entitlement)
- *Simanski v. HHS*: Reversed and Remanded (Entitlement)

Appeals by Respondent:

- *Hager v. HHS*: Reversed (Entitlement)
- *Cloer v. HHS*: Remanded (Attorneys' Fees and Costs)

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:

- *Viscontini v. HHS* (Entitlement)
- *Argueta v. HHS* (Entitlement)
- *Figueroa v. HHS* (Jurisdiction)
- *Connor v. HHS* (Entitlement)
- *Veryzer v. HHS* (Entitlement)
- *Kennedy v. HHS* (Entitlement/Relief from Prior Judgment)
- *Hibbard v. HHS* (Entitlement)
- *Griglock v. HHS* (Statute of Limitations)
- *Locane v. HHS* (Entitlement)
- *Carson v. HHS* (Entitlement)

Appeals by Respondent:

- *Doe 21 v. HHS* (Entitlement)
- *Heinzelman v. HHS* (Entitlement)

Appeals: CFC

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

Appeals by Petitioner:

- *Paluck v. HHS*: Vacated and Remanded (Entitlement)
- *Phillips-DeLoatch v. HHS*: Writ of Mandamus denied
- *Deribeaux v. HHS*: Affirmed (Entitlement)

Appeals by Respondent:

- *McKellar v. HHS*: Reversed (Attorneys' Fees and Costs)
- *Woods v. HHS*: Reversed and Remanded (Interim Attorneys' Fees and Costs)

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:

- *Graves v. HHS* (Entitlement)
- *Castaldi v. HHS* (Statute of Limitations)
- *Contreras v. HHS* (Entitlement)
- *Davis v. HHS* (Attorneys' Fees and Costs)
- *Shapiro 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:

- *None scheduled at this time*

U.S. Court of Federal Claims:

- *None scheduled at this time*

Adjudicated Settlements*

Reporting Period: 2/16/12 – 5/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
MMR, DTaP, HiB	Encephalopathy or encephalitis resulting in a seizure disorder and developmental delays	6 years, 7 months
Influenza	Guillain-Barré Syndrome	1 year, 8 months
MMR, Varicella, PCV	multiple and various neurological complications and difficulties	1 year, 11 months
Hep B	Crohn's disease	12 years, 9 months
Tdap	Neuropathic pain	1 year
Influenza	Guillain-Barré Syndrome	4 years, 8 months
Influenza	Guillain-Barré Syndrome	1 year, 2 months
Tdap and/or meningococcal	Transverse myelitis	11 months
Varicella	Injury to heart	9 months
Tdap	Optic neuritis	1 year, 7 months

Adjudicated Settlements

Reporting Period: 2/16/12 – 5/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Influenza	Acute disseminated encephalomyelitis	5 months
Influenza	Guillain-Barré Syndrome	1 year, 7 months
Influenza	Guillain-Barré Syndrome	1 year, 2 months
Influenza, Tdap	Guillain-Barré Syndrome	8 months
Influenza	Guillain-Barré Syndrome	1 year, 9 months
Varicella	Acute cerebellar ataxia	2 years, 4 months
Influenza	Guillain-Barré Syndrome	9 months
Influenza	Significant aggravation of multiple sclerosis, brachial neuritis, dyspnea, rotator cuff tendinopathy, and Guillain-Barre Syndrome	3 years, 8 months
Tdap	Guillain-Barré Syndrome	2 years, 8 months
DTaP	Neurological injury, seizure disorder	2 years, 3 months

(continued . . .)

Adjudicated Settlements

Reporting Period: 2/16/12 – 5/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Influenza	Neurologic injuries, including brachial plexopathy	2 years, 4 months
Influenza	Guillain-Barré Syndrome	1 year, 9 months
MMR	Developed mass in right arm	1 year
Hep B	Dermatomyositis	1 year, 2 months
Meningococcal	Seizure and seizure disorder, or alternatively, significant aggravation of seizure disorder	8 months
Tdap	Guillain-Barré Syndrome, chronic inflammatory demyelinating polyneuropathy	1 year, 4 months
DTaP, Hep B, IPV, HiB, PCV	death	2 years, 1 month
Meningococcal	Henoch-Schonlein purpura and glomerulonephritis	1 year, 8 months
DTaP	Encephalopathy, seizures, global developmental delay, muscle weakness, other physical injuries, disabilities in vision and motor skills, death	4 years, 1 month

(continued . . .)

Adjudicated Settlements

Reporting Period: 2/16/12 – 5/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Influenza	Syncope, allergic reaction, symptoms of orthostatic hypotension	2 years, 5 months
Influenza	Guillain-Barré Syndrome	2 years, 4 months
Influenza	Guillain-Barré Syndrome	1 year, 9 months
Influenza	Guillain-Barré Syndrome	2 years, 1 month
Rotavirus	Intussusception	9 months
DTaP, IPV, Prevnar, HiB	Neurologic injuries, including seizure disorder	3 years, 4 months
Hep B	Chronic fatigue syndrome, postural orthostatic tachycardia syndrome, autoimmune thyroid disease, and/or polycystic ovary syndrome	12 years, 10 months
Influenza	Chronic inflammatory demyelinating polyneuropathy	10 months
Meningococcal, Hep A, Hep B, and Varicella	Hypothyroidism and alopecia universalis	8 months

(continued . . .)

Adjudicated Settlements

Reporting Period: 2/16/12 – 5/15/12

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Influenza	Encephalitis	7 months
Tdap	Guillain-Barré Syndrome	1 year, 1 month
Influenza, Tdap	Guillain-Barré Syndrome	11 months
Influenza	Guillain-Barré Syndrome	7 months
Tdap, Hep B	Neurological injury/disorder	1 year, 4 months
Influenza	Guillain-Barré Syndrome	1 year, 5 months

Total Number of Judgments Adopting Settlement this reporting period: 44