



**December 8, 2011**

**Mark W. Rogers**

*Acting Director, Torts Branch*

# Statistics

Reporting Period: 8/16/11 – 11/15/11

- I. **Total Petitions Filed in the United States Court of Federal Claims this reporting period: 121**
  - A. Autism: 1
  - B. Non-Autism: 120
    - i. Minors: 33
    - ii. Adults: 87

# Statistics

**Reporting Period: 8/16/11 – 11/15/11**

## **II. Total Petitions Adjudicated this reporting period: 920**

**A. Compensated: 61**

**i. Cases conceded by HHS: 1**

**1. Decision awarding damages: 0**

**2. Decision adopting Proffer: 1**

**3. Decision adopting Stipulation: 0**

**ii. Cases not conceded by HHS: 60**

**1. Decision awarding damages: 0**

**2. Decision adopting Proffer: 8**

**3. Decision adopting Stipulation: 52**

**B. Not Compensated/Dismissed: 859**

**i. Decision dismissing Non-Autism: 64**

**ii. Decision dismissing Autism: 795**

# Statistics

Reporting Period: 8/16/11 – 11/15/11

**III. Total Petitions Voluntarily Withdrawn this reporting period (no judgment will be issued): 14**

A. Non-Autism: 4

B. Autism: 10

# 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.

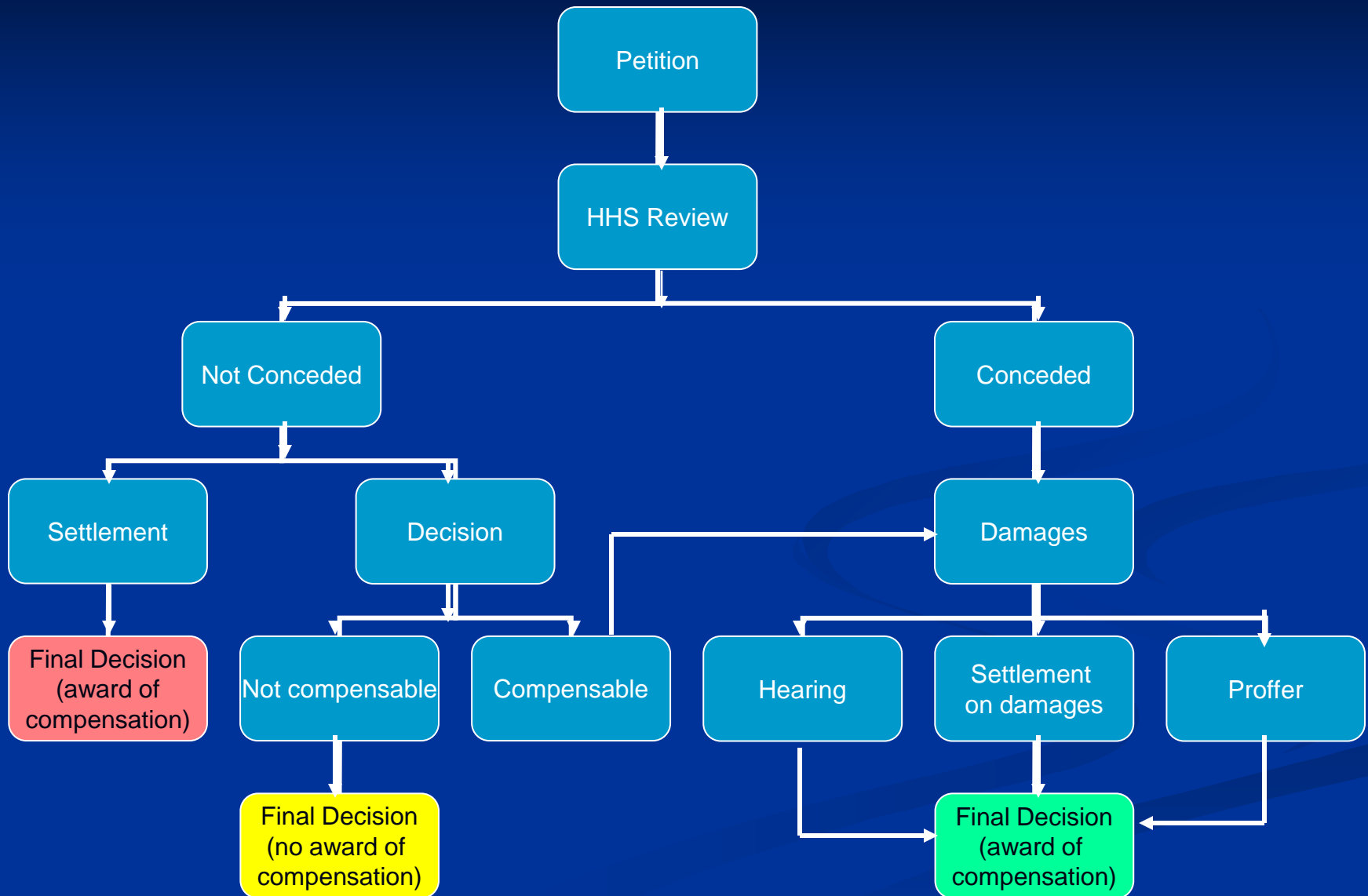
# Glossary of Terms

- **Settlement:** Petition is resolved via a negotiated settlement between the parties.
- **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





# Appeals: CAFC

*Recently Decided Cases at the Court of Appeals for the Federal Circuit:*

## Appeals by Petitioner:

- Rickett v. HHS: Affirmed (*Entitlement*)
- Lombardi v. HHS: Affirmed (*Entitlement*)  
Petition for rehearing en banc denied

## Appeals by Respondent:

- Rotoli (Knight) v. HHS and Porter v. HHS: Reversed and Remanded (*Entitlement*)

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

# Appeals: CAFC

*Pending Cases at the Court of Appeals for the Federal Circuit:*

## Appeals by Petitioner:

- Hibbard v. HHS (*Entitlement*)
- Griglock v. HHS (*Statute of Limitations*)
- Locane v. HHS (*Entitlement*)
- Hammitt v. HHS (*Entitlement*)
- Stone v. HHS (*Entitlement*)
- Caves v. HHS (*Entitlement*)
- Kennedy v. HHS (*Entitlement/Relief from Prior Judgment*)
- Simanski v. HHS (*Entitlement*)
- Carson v. HHS (*Entitlement*)

## Appeals by Respondent:

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

\*Yellow cases are new  
this reporting period

# Appeals: CFC

## *Recently Decided Cases at the Court of Federal Claims:*

### **Appeals by Petitioner:**

- **Snyder v. HHS**: Reversed and Remanded (*Entitlement*)
- **Harris v. HHS**: Reversed and Remanded (*Entitlement*)
- **Hocraffer v. HHS**: Affirmed (*Attorneys' Fees and Costs*)
- **Broekelschen v. HHS**: Affirmed (*Attorneys' Fees and Costs*)
- **Ricci v. HHS**: Affirmed (*Entitlement*)
- **Shapiro v. HHS**: Vacated and Remanded (*Entitlement*)
- **Veryzer v. HHS**: Affirmed (*Entitlement*)
- **Padmanabhan v. HHS**: Affirmed (*Jurisdiction of the CFC*)
- **Hokannen v. HHS**: Remanded (*Statute of Limitations*)

### **Appeals by Respondent:**

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

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

# Appeals: CFC

## *Pending Cases at the Court of Federal Claims:*

### Appeals by Petitioner:

- Viscontini v. HHS (*Entitlement*)
- Phillips-DeLoatch v. HHS (*Entitlement*)
- Goetz v. HHS (*Relief from Judgment*)
- Argueta v. HHS (*Entitlement*)
- Figueroa v. HHS (*Jurisdiction*)
- Holmes v. HHS (*Entitlement*)
- Langland v. HHS (*Entitlement*)

\*Yellow cases are new  
this reporting period

# Scheduled Oral Arguments

## Court of Appeals for the Federal Circuit:

- None scheduled

## Court of Federal Claims:

- Goetz v. HHS: 12/15/11

# Adjudicated Stipulations

Reporting Period: 8/16/11 – 11/15/11

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Stipulation Filing
Td	Shoulder pain, injury to shoulder	4 years, 10 months
Td	Chronic rash, blisters, scarring	4 years, 4 months
DTaP, Hep B, IPV, Hib, PCV	Transverse Myelitis	4 years, 1 month
DPT, MMR	Guillain-Barré Syndrome	4 years
MMR, Varicella	Acute liver failure requiring a liver transplant	3 years, 5 months
Hep B	Polyarthrititis	3 years
DTaP, Comvax, PCV	Encephalopathy	2 years, 11 months
Td	Sensory small fiber neuropathy	3 years, 2 months
HPV	Transverse Myelitis	3 years
Hib	Meningitis	3 years, 1 month

(continued . . .)

# Adjudicated Stipulations

Reporting Period: 8/16/11 – 11/15/11

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Stipulation Filing
Influenza	Guillain-Barré Syndrome	2 years, 8 months
Td	Complex Regional Pain Syndrome	2 years, 7 months
DTaP, Hib, IPV, PCV	Encephalopathy and cardiac arrest	2 years, 5 months
MMR, DTaP, Hib, Prevnar	Severe gastroenteritis, dehydration, idiopathic thrombocytopenic purpura, developmental delay	2 years, 5 months
MMR, Varicella, PCV	Seizure disorder, significant developmental delays	2 years, 2 months
Influenza	Guillain-Barré Syndrome	2 years, 4 months
MMR, Hep A, IPV, Tdap	Thrombocytopenic purpura	2 years, 2 months
Influenza	Guillain-Barré Syndrome	2 years, 1 month
Influenza	Brachial neuritis	1 year, 10 months
Influenza	Guillain-Barré Syndrome	1 year, 11 months

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# Adjudicated Stipulations

Reporting Period: 8/16/11 – 11/15/11

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Stipulation Filing
Influenza	Guillain-Barré Syndrome	1 year, 10 months
Influenza	Left-sided weakness and ataxia	1 year, 8 months
Influenza	Miller Fisher Syndrome (variant of Guillain-Barré Syndrome)	1 year, 7 months
Influenza	Guillain-Barré Syndrome	1 year, 6 months
Varicella	Encephalopathy, arterial ischemic stroke, right hemiparesis, and other neurological injuries	1 year, 5 months
Hep B, DTaP, IPV, PCV, rotavirus	Transverse Myelitis	1 year, 5 months
Hep A, Td	Acute disseminating encephalomyelitis	1 year, 5 months
Influenza	Guillain-Barré Syndrome	1 year, 4 months
Hep B	Multiple Sclerosis	1 year, 3 months
HPV	Chronic fatigue, extreme abdominal pain, severe weight loss	1 year, 5 months

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# Adjudicated Stipulations

Reporting Period: 8/16/11 – 11/15/11

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Stipulation Filing
Influenza	Guillain-Barré Syndrome, Chronic inflammatory demyelinating polyneuropathy	1 year, 6 months
Influenza	Chronic inflammatory demyelinating polyneuropathy	1 year, 3 months
Td	Guillain-Barré Syndrome	1 year, 3 months
Td	Guillain-Barré Syndrome	1 year, 3 months
Influenza	Guillain-Barré Syndrome	1 year, 1 month
Influenza	Guillain-Barré Syndrome	1 year, 2 months
Td	Guillain-Barré Syndrome	1 year, 1 month
Influenza	Guillain-Barré Syndrome	1 year, 3 months
Influenza	Guillain-Barré Syndrome	11 months
Influenza	Demyelinating polyneuropathy	1 year, 1 month

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# Adjudicated Stipulations

Reporting Period: 8/16/11 – 11/15/11

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Stipulation Filing
Influenza	Guillain-Barré Syndrome	1 year, 2 months
Influenza	Guillain-Barré Syndrome	11 months
Influenza	Guillain-Barré Syndrome	10 months
MMR	Adverse reaction, formation of lesions	1 year, 1 month
Influenza	Guillain-Barré Syndrome	11 months
Influenza	Guillain-Barré Syndrome	1 year, 7 months
Tdap	Acute disseminated encephalomyelitis	10 months
Influenza	Guillain-Barré Syndrome	1 year, 6 months
MMR	Thrombocytopenic purpura	9 months
Varicella	Shingles, recurrent shingles, post-herpetic neuralgia, scarring	1 year, 6 months

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# Adjudicated Stipulations

Reporting Period: 8/16/11 – 11/15/11

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Stipulation Filing
Influenza	Guillain-Barré Syndrome	6 months
Influenza	Shoulder injury	4 months

*Total Number of Judgments Adopting Stipulation this reporting period: 52*