

# Gardasil Injury Compensation Guide

United States Federal Law Allows Gardasil Vaccine Injured to Seek Compensation



**Wisner Baum's Gardasil Clients Are Seeking Justice in the Courts**

The process for people to pursue a Gardasil injury claim can be confusing and complicated, which is why it is important to get the right team on your side. To better assist those who may have a case, this article covers the ins and outs of filing a Gardasil claim and answers the following questions:

- How to File an HPV Vaccine Claim Before the Deadline
- I Think Gardasil Caused Debilitating Health Issues...What Do I Do First?
- Should I Hire an Attorney for My Gardasil Case? How Much Will This Cost?
- What is the National Vaccine Injury Compensation Program (NVICP)?
- Who Can File a Petition with the NVICP?
- How Much Does it Cost to File a Petition with the NVICP?
- How Long Do I Have to File a Petition with the NVICP?
- What is the Process for Filing a Gardasil Vaccine Petition with the NVICP?

- Do I Want My Case in Civil Court?
- What if I Received the Gardasil HPV Vaccine Years Ago and My Statute of Limitations Expired?
- Who Can I Talk to for Help with My Gardasil Vaccine Injuries?
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## How to File an HPV Vaccine Claim Before the Deadline



The United States government set up the National Vaccine Injury Compensation Program (NVICP), more simply known as “Vaccine Court,” for people who sustain certain injuries or health issues after receiving a covered vaccine to submit a claim for compensation. The human papillomavirus (HPV) vaccine, Gardasil, is one of the [covered vaccines](#) in the NVICP.

If you received the Gardasil vaccine, meet specific medical requirements, and file a petition within a time limit known as your statute of limitations (more information on this below), you may be able to pursue compensation via the NVICP. Next of kin may also submit claims for [wrongful death related to the Gardasil HPV vaccine](#). After receiving a judgment or waiting a specified amount of time, the claimant may choose to opt to file a Gardasil lawsuit in civil court.

The law firm at the forefront of the Gardasil vaccine litigation is [Wisner Baum, based in Los Angeles](#). This is the same law firm that successfully defeated Monsanto in 2018 and 2019, and obtained the historic jury verdicts for plaintiffs with cancer after using Monsanto’s Roundup weed killer. Wisner Baum began filing HPV vaccine lawsuits in 2020 on behalf of girls, boys, men, and women seeking compensation after suffering injuries, including death, after receiving Gardasil. Wisner Baum’s Gardasil lawyers help their clients get through Vaccine Court first, collaborating with a law firm specializing in Vaccine Court claims. If the client chooses not to accept the Vaccine Court judgment, the client can opt out of the program, and elect to file a [Gardasil lawsuit](#) in civil court.

**Hiring an attorney to pursue a Gardasil claim on your behalf costs nothing up front.** There is no financial risk in pursuing a Gardasil injury claim. Wisner Baum attorneys accept cases that meet certain criteria (described in more detail below) on a contingent fee basis. The law firm

advances all costs necessary to litigate the case, which means you pay nothing in fees or costs unless the law firm successfully earns compensation on your behalf.

*“As a working parent of a son who suffers from chronic and debilitating health issues post Gardasil, I understand how emotional, demanding, and challenging this journey is. We needed hope and we needed help. Wisner Baum is a legal dream team that has committed itself to fighting this litigious battle on my son’s behalf, allowing me to focus my time and attention on his medical needs instead.”*

Some people may be worried about the amount of time required to pursue a Gardasil claim. **In most cases if you hire an attorney your involvement will be minimal.** You will be required to answer certain questions and produce documents related to your case, sign an authorization for release of your medical records, which are kept strictly confidential, and provide deposition testimony concerning your injuries. Other than that, you will not have to invest a lot of time and energy into your case. For the most part, you will still be able to focus on your health or your child’s health. Your legal team is responsible for the heavy lifting associated with your case even if it goes to trial.

### **Gardasil Makes Good Vaccines Look Bad**

Wisner Baum attorneys are not against vaccines. Vaccines have the potential to eradicate disease and save millions of lives. The firm is against intentional efforts to mislead consumers about the safety and effectiveness of any drug, vaccine, medical device, or consumer product. Wisner Baum will always fight for the rights of consumers to be fully and honestly informed about risks associated with any drug, vaccine, medical device, or consumer product. The firm will continue to work tirelessly to ensure those rights are defended and victims of injustice are compensated for their injuries.

Every week, Wisner Baum receives inquiries from young men, women, and parents with children who suffer from injuries they believe were caused by the [HPV vaccine](#), Gardasil. The firm’s legal team listens to the devastating stories people share about how much this vaccine has affected their lives.

As committed safety advocates, Wisner Baum attorneys are fighting for Gardasil victims who allege they have suffered at the hands of a vaccine that is defective, dangerous, or whose manufacturer has failed to fully inform them about the adverse events associated with it. However, the firm is unable to represent many Gardasil-injured people because federal law shields vaccine manufacturers like [Merck](#) from liability under various circumstances, even though thousands of people have documented severe adverse reactions after Gardasil. A vaccine

claim before the NVICP is governed by a strict statute of limitations that limits the time within which one can file a petition in vaccine court, even where the injured person has no idea what caused the harm.

For Gardasil cases, the statute of limitations is three years to file from the first onset of symptoms after vaccination. Thus, it is vital for anyone interested in pursuing a case to start the process as soon as possible.

### [I Think Gardasil Caused Debilitating Health Issues...What Do I Do First?](#)

[If you believe you have experienced adverse events from the Gardasil HPV vaccine](#), you should schedule an appointment with your doctor. In addition to seeking treatment for your health issues, it is advisable to tell the doctor that you want them to report your adverse events to the Vaccine Adverse Event Reporting System (VAERS).

### [Should I Hire an Attorney for My Gardasil Case? How Much Will This Cost?](#)

If you choose to pursue a claim for your injuries, you will have two law firms on your team to get your claim through the steps necessary to seek maximum compensation. In short, there are two phases for your claim.

#### **Phase 1 – File a Claim in the National Vaccine Injury Compensation Program (NVICP)**

First, you will need to file a claim in the NVICP. Wisner Baum partners with another law firm that specializes in filing cases in the NVICP on your behalf. The upfront cost for anyone pursuing a claim is zero, since filing an NVICP petition is completely covered under the program, including legal representation.

#### **Phase 2 – File a Lawsuit in Civil Court**

You can choose to opt out of the vaccine program after a certain amount of time and file an election to pursue a civil case against the manufacturer. If your case progresses beyond the NVICP, the Wisner Baum Gardasil team of lawyers, takes over your case and prepares and files a lawsuit on your behalf in civil court. Wisner Baum would then take over your case, representing the vaccine injured on a contingent fee basis, which means the firm only gets paid if they win your case and you receive compensation. Wisner Baum fronts the costs to litigate claims in civil court, which are only reimbursed if there is a recovery for their client. Clients never pay any costs or fees out of their own pocket.

Wisner Baum and its partner firms represent Gardasil-injured claimants with the [following adverse events \(side effects\)](#):

*“Walking the path as a parent of a Gardasil vaccine injured child can be a lonely road. With Wisner Baum I have found the compassion, help and strength to renew myself each day as they take the battle from my hands to their own. Their kindness and helpfulness literally know no boundaries. Day or night once you are their client, someone is always available to you for questions or sometimes just a listening ear. This is a truly unique firm who puts parents and clients first. I can focus more on my daughter while I know her legal team is hard at work in her best interests.”*

- Auto-immune disorders
- Chronic fatigue syndromes
- Chronic pain syndromes, including Chronic regional pain syndrome (CRPS)
- Death
- Dysautonomia
- Fibromyalgia
- Idiopathic Thrombocytopenic Purpura (ITP)
- Lupus
- Movement disorders
- Neurological disorders
- Postural orthostatic tachycardia syndrome (POTS)
- Reproductive disorders, including premature ovarian failure (POF)
- Small fiber neuropathy
- Gastroparesis

### What is the National Vaccine Injury Compensation Program (NVICP)?

Congress created the National Vaccine Injury Compensation Program (NVICP), also known as “Vaccine Court,” to allow petitioners to seek monetary compensation for allegedly suffering injury or death after receiving certain vaccines. The program is intended to provide individuals with a “swift, flexible, and less adversarial alternative to the often costly and lengthy civil arena of traditional tort litigation.”

Since it began in 1988, the NVICP has paid out [roughly \\$4 billion in compensation](#) to more than 8,000 families who presented a “preponderance of evidence” demonstrating vaccines caused their injuries.

Comparatively, if a pharmaceutical drug harms a person, the person has the right to retain an attorney and file a lawsuit in civil court for damages against the drug's manufacturer. This is not the case for Gardasil. Instead, individuals injured by Gardasil must first file a petition in the Vaccine Court, where the manufacturer is not even a party or involved in any way. After a

statutory period of time passes, or judgment is rendered, the petitioner can then choose to opt out of Vaccine Court and elect to file a civil lawsuit against the manufacturer.

“No person may bring a civil action for damages ... against a vaccine administrator or manufacturer in a State or Federal court for damages arising from a vaccine-related injury ... associated with the administration of a vaccine ... unless a petition has been filed ... for compensation under the Program for such injury ... and (I) the United States Court of Federal Claims has issued a judgment ... on such petition and (II) such person elects ... to file such an action.”

You can read more about the [rules for vaccine cases here](#).

### Who Can File a Petition with the NVICP?

If you meet certain medical requirements and file within a time limit known as your statute of limitations (more information on this below), you may be able to file a petition with the NVICP.

An individual may file a petition if:

- They received a covered vaccine and believe the vaccine caused injuries.
- They are a parent or legal guardian of a child or disabled adult who received a covered vaccine and believe the vaccine caused injuries.
- They are the estate representative of a deceased person who received a covered vaccine and believe the vaccine caused their death.

The covered vaccine must have been administered in the United States or its trust territories unless:

- The vaccinated person was, at the time of vaccination, a U.S. citizen serving abroad as a member of the Armed Forces or as an employee of the U.S. Government, or a dependent of such a citizen; or
- The vaccine’s manufacturer was located in the U.S., and the vaccinated person returned to the U.S. within six months after receiving the vaccine.

Individuals can file a petition if their injury (or injuries):

- Lasted for six months or more after receiving the vaccine; or
- Caused inpatient hospitalization **and** surgical intervention; or
- Caused death.

Anyone may file a petition regardless of age and whether or not the petitioner is a U.S. citizen.

### How Much Does It Cost to File a Petition with the NVICP?

Claimants should know that their NVICP petition, including legal representation, will be completely covered under the program. There is no out-of-pocket cost to file in NVICP.

### How Long Do I Have to File a Petition with the NVICP?

A Gardasil petitioner who meets the standards listed above generally must meet the following filing deadlines:

- If a person is injured, they have three years from their first symptom or significant aggravation of the injury.
- If a person dies, their estate representative has two years from the date of death or four years from their first symptom or significant aggravation of the injury from which the death resulted.

Please note that the court may extend a deadline using equitable tolling in very limited circumstances.

### What is the Process for Filing a Gardasil Vaccine Petition with the NVICP?

The process is as follows:

- 1) The vaccine attorney will submit a petition with the Vaccine Court along with a witness statement of what occurred and the medical chart.
- 2) Human and Health Services (HHS) reviews the petition and determines if the claim meets the criteria for compensation.
- 3) HHS then makes a preliminary recommendation to the U.S. Justice Department. The government's recommendation is submitted to the Federal Court of Claims.

- 4) A special master reviews the report and determines if the petitioner should receive compensation.
- 5) The special master's decision may be appealed if the petitioner chooses.
- 6) If the petitioner rejects the Court's decision or withdraws their claim after certain timelines are met (240 days), the petitioner may pursue a lawsuit in civil court against the vaccine manufacturer and/or the health care provider who administered the vaccine.

**If you do not receive approval for compensation or choose not to accept the settlement, your attorney can prepare a lawsuit on your behalf in civil court.**



### Preparing Your Case for Civil Court



#### Do I Want My Case in Civil Court?

Claims for damages in civil court may likely exceed what is achievable in pursuing compensation in the NVICP. Civil court proceedings also allow for punitive damages if there is evidence that the vaccine manufacturer acted with malice, oppression, or fraud. Wisner Baum is seeking punitive damages against Merck in the Gardasil lawsuits it is filing on behalf of its clients.

Lawsuits filed in civil court allow discovery to take place, which does not exist in Vaccine Court. Discovery gives the parties an opportunity to collect evidence and depose witnesses from the other side. One thing that sets Wisner Baum apart from other firms is the ability to find the needle in a haystack, smoking gun documents that can expose the defendants' wrongdoing. The firm makes a point of not only finding these documents, but also publishes them once unsealed, so that legislators, regulators, academics, scientists, safety advocates, and the general public can see for themselves what happens behind the curtain of litigation against major corporations. This effort may not always directly lead to a successful resolution, but it does adhere to the firm's mission of going above and beyond the scope of litigation for the greater good.

## What if I Received the Gardasil HPV Vaccine Years Ago and My Statute of Limitations Expired?

Gardasil 4 came to market in 2006, and Gardasil 9 (the current version of the HPV vaccine) followed in 2014, which means that, as of this writing, many thousands of people who received Gardasil many years ago have passed their statute of limitations and are not able to pursue a claim in the NVICP. Without question, this is difficult for people to accept because many people had no idea Gardasil could have caused their injuries or health issues.

**The statute of limitations is 3 years to file from the first onset of symptoms after vaccination.**

If your statute of limitations has expired, please keep in mind that an expired statute of limitations in and of itself does not mean that the Gardasil vaccine did not cause your injuries or health issues, or that your injuries or health issues were not substantial enough to pursue a claim. It just means that you are currently time-barred from pursuing those allegations. For many people who are time-barred from pursuing a Gardasil claim, their health issues, and the amount of time between vaccination and symptoms, are no different from claimants currently pursuing cases. The only distinction is the expired statute of limitations. Of course, not being able to pursue allegations in court to hold Merck accountable is frustrating—Wisner Baum attorneys feel that frustration too, and the firm is working to address this. Some people may take comfort in knowing that, while they may not currently pursue a case, their stories are similar to many others who are pursuing cases. Regardless of the statute of limitations, their health issues are very real, and the link between those health issues may be the Gardasil vaccine.



### [Who Can I Talk to for Help with My Gardasil Vaccine Injuries?](#)

The first thing you should know is you are not alone. Anyone looking for help beyond the legal realm should connect with a community of people going through similar health struggles after receiving the Gardasil HPV vaccine.

Wisner Baum has [filed over a dozen lawsuits](#) thus far against Merck on behalf of young men and women who allege their injuries were caused by the Gardasil vaccine and they continue to evaluate new potential Gardasil cases and get them on the path for compensation.

Many people that are Gardasil injured have found [SaneVax, Inc.](#), to be an excellent non-profit resource to help navigate vaccine-related decisions and locate appropriate medical assistance for anyone suffering adverse events after vaccination.

### [Gardasil Support Resources](#)

Our listing of these groups and doctors are not an endorsement and are for informational purposes only.

## **Facebook and Other Groups:**

[POTS](#)

[POTSibilities Parents](#)

[Dysautonomia International California Support Group](#)

[Children's Health Defense](#)

## **Online Resources:**

[Dysautonomia Support Network](#)

[Dysautonomia Support Meetup groups around the world](#)

[HPV Vaccine Survivor](#)

[POTS Support Group](#)

[POTS and Dysautonomia Support Groups and Feeling Alone](#)

[SaneVax, Inc. - The First International HPV Vaccine Information Clearinghouse](#)

[The Canary Party - Gardasil Injury: Not a Coincidence](#)

[Dr. Jill Schofield –Recipient of the Dysautonomia Support Network Patient's Choice Game](#)

[Changer Award in 2019](#)

There are resources out there and communities of people who have found each other and give each other support. If you have suffered injuries after getting the Gardasil vaccine, or if you are a parent with a child who is injured after Gardasil, please call the team at Wisner Baum. They will evaluate any potential case for free. They can also help connect you with the community that can offer you support.

Call 1-800-827-0087 or [fill out a short Gardasil questionnaire](#)