

Childhood Vaccine Gardasil Injury: First Wrongful Death Lawsuit Against Merck

13-year-old Noah Tate Foley received first HPV Gardasil vaccine on May 7, 2018. From then on, he became sick and died on Oct. 8, 2020.

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13 year old Noah Tate Foley received 1st HPV Gardasil Vaccine May 7, 2018

Noah was just 13 when the HPV vaccine took his short life.

Noah Tate Foley received his first and only Gardasil injection on May 7, 2018, just two days after his 11th birthday.

Noah enjoyed hunting and fishing with his dad, playing games with his younger sister, building Legos, and playing his drum set. He loved school and was active in his church. Most of all, Noah loved his family and treasured the times they spent together.

Prior to the Gardasil shot, Noah had no autoimmune diseases and no autonomic issues. He was extremely healthy, having received a clean bill of health during a medical check-up.

Roughly two weeks after the Gardasil shot, Noah experienced fevers that reached as high as 102.9 degrees. His symptoms continued and one week later, his blood was checked to rule out Mononucleosis or other causes for the ongoing fevers. Testing revealed no "cause" for his fevers, which came and went throughout the summer of 2018.

On October 10, 2018, Noah went to the emergency room at Duke University Medical Center in Durham, North Carolina. After examination and blood tests, Noah's mother, Kelli Foley, was informed that her son's inflammatory markers were elevated, possibly due to a viral infection. Noah was then referred to the Duke University Infectious Disease department, where blood work revealed that Noah's white blood cell count had tripled in two weeks.

For months, Noah endured countless doctor visits and testing, including a CT scan and biopsy of a swollen lymph node.

Kelli Foley recalled the 35 days between the discovery of the swollen lymph node and a report that ruled out cancer as “long and torturous.” Still, the family had no answers to the underlying cause of Noah’s health issues.

On May 7, 2019, Noah had an appointment for weight loss where the records state:

“Over the past year, [Noah] has had a rough year. He was in his usual state of good health per Mother until he went for his 11-year-old vaccine and well child check-up. After that he continues to have fevers and fatigue. He has been seen by multiple specialists over the past 7 months – starting in October 2018. He has had one lymph node removed from his neck as well as CT scan (neck/abdomen) and MRI to evaluate what inflammatory process may be occurring. He has continued to have fatigue and not feel like himself. It has been noted that over the past year he has lost 20lb despite continued good vertical height growth and continued to eat fairly well...”

Noah’s weight was 69 pounds, his BMI was in the 4th percentile at 14.79, and his inflammatory markers remained elevated.

At a May 21, 2019 pediatric gastroenterology consultation, the assessment discussed an “autoimmune or inflammatory process.”

On the afternoon of September 29, 2020, Noah’s left leg went numb. While his mother rushed him to the emergency room, Noah’s face and tongue went numb. By the time he arrived at the ER, Noah vomited, and by 6:00 p.m., he was completely non-responsive. Noah was transported to Duke University Medical Hospital, where his condition rapidly declined.

On September 30, 2020, Noah was almost completely brain dead. On October 8, 2020, Noah passed away four hours after his breathing tube was removed. He was 13 years old.

According to the Foley’s lawsuit allegations, Noah died of encephalitis caused by an autoimmune/autoinflammatory dysregulation process, which was caused-in-fact by the Gardasil vaccination received in 2018.

“Our faith is very strong, which is why I know that despite the pain our family continues to feel in Noah’s absence, we won’t let his death be in vain.” Kelli Foley says. “We will fight for him in getting justice against Merck for what they did to him.”

“I lost my fishing and hunting buddy, and my daughter lost her best friend,” says Cliff Foley. “They say time heals all wounds, but losing your son is something you never really heal from. Every day, we feel the loss, and it doesn’t get any easier.”

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Below is an excerpt from an article by The Defender, [First Gardasil Wrongful Death Lawsuit Filed Alleging HPV Vaccine Caused 13-Year-Old’s Death.](#)

Baum Hedlund Aristei & Goldman and Robert F. Kennedy Jr., chairman of Children’s Health Defense, this week filed their first wrongful death suit against Merck, alleging the drugmaker’s Gardasil HPV vaccine caused the death of 13-year-old Noah Tate Foley.

Baum Hedlund Aristei & Goldman and Robert F. Kennedy Jr., chairman of Children's Health Defense, this week filed a [wrongful death suit](#) against Merck alleging the drugmaker's [Gardasil HPV vaccine](#) caused the death of 13-year-old Noah Tate Foley.

The civil action, filed in the U.S. District Court for the Middle District of North Carolina on behalf of Noah's parents, Clifton and Kelli Foley, alleges Noah died Oct. 8, 2020, of [encephalitis](#) caused by an autoimmune/autoinflammatory dysregulation process directly related to the Gardasil injection he received in 2018.

The lawsuit also alleges the vaccine caused autonomic, neurological, heterogeneous autoimmune disease and a constellation of adverse symptoms, complications, injuries and other adverse events, which led to Noah's wrongful death.

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