

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

\*\*\*\*\*

MARC MAYER,

\*

Petitioner,

\*

No. 11-142V

Special Master Christian J. Moran

\*

v.

\*

Filed: July 17, 2012

\*

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

\*

Attorneys' fees and costs; award

\*

in the amount to which respondent

\*

does not object.

Respondent.

\*

\*\*\*\*\*

### UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>

Mindy M. Roth, Britcher, Leone & Roth, L.L.C., Glen Rock, NJ, for Petitioner;  
Lara A. Englund, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Marc Mayer filed an application for attorneys' fees and costs on July 2, 2012. The Court awards the amount to which respondent does not object.

Mr. Mayer claimed that the diphtheria-tetanus-acellular pertussis ("DTaP") vaccine caused him an adverse reaction and received compensation based upon the parties' stipulation. Decision, filed April 17, 2012. Because Mr. Mayer received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Mr. Mayer seeks a total of **\$19,460.33** in attorneys' fees and costs for petitioner's counsel. Additionally, Mr. Mayer filed a statement of costs in compliance with General Order No. 9, stating that he incurred no litigation expenses while pursuing this claim. Respondent stated that she had no objection to this application for attorneys' fees and costs.

---

<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

After reviewing the request, the court awards a check made payable to petitioner and petitioner's attorney in the amount of **\$19,460.33** for attorneys' fees and other litigation costs. The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

S/ Christian J. Moran

---

Christian J. Moran  
Special Master

---

<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.