

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 09-0418V

E-Filed: May 12, 2011; Re-Issued: May 13, 2011

* * * * *	*	UNPUBLISHED
RENADA CERNIGLIA,	*	
Petitioner,	*	
v.	*	Tetanus-Diphtheria Vaccine;
	*	“Reactive-Arthritis”
	*	Attorneys’ Fees and Costs;
SECRETARY OF HEALTH	*	Amount to which Respondent
AND HUMAN SERVICES,	*	Does Not Object
	*	
Respondent.	*	
* * * * *	*	

Michael G. McLaren, Memphis, TN, for petitioner.

Alexis Babcock, Washington, DC, for respondent.

ATTORNEYS’ FEES AND COSTS DECISION¹

Campbell-Smith, Chief Special Master

On June 25, 2005, Renada Cerniglia (“petitioner”), filed a petition for compensation alleging that she suffered certain injuries as a result of receiving a vaccination. Among the injuries petitioner alleges that she has suffered as a result of

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, “the entire” decision will be available to the public. Id.

receiving a tetanus-diphtheria vaccine is reactive arthritis. She sought an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program² (the Act or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2006).

On December 1, 2010, the undersigned issued a decision awarding damages based on a stipulation filed by the parties in this case.

On April 27, 2011, petitioner's counsel filed an initial motion for attorneys' fees and costs. On May 12, 2011, counsel for both parties communicated informally with chambers that they were able to reach an amount to which respondent would not object and that a decision should be entered awarding attorneys' fees, and attorneys' costs.³ The parties stipulated that petitioner's counsel shall receive the following compensation and respondent will not object: **A lump sum of \$30,500.00 in the form of a check payable to petitioner and the law firm of petitioner's attorney, Black McLaren Jones Ryland & Griffee, P.C., for attorneys' fees and costs.** The amount represents \$11,000.00 in attorneys' costs and \$19,500.00 in attorneys' fees.

The undersigned approves the requested amount for attorneys' fees and costs and petitioner's costs as reasonable. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.⁴

IT IS SO ORDERED.

s/ Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Chief Special Master

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

³ According to the General Order No. 9, petitioner incurred no out-of-pocket expenses in pursuit of her claim.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.