

**In the United States Court of Federal Claims**

**OFFICE OF SPECIAL MASTERS**

No. 11-388V

**(E-Filed: September 21, 2012)**

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ALLISON FLOOD,		)	
		)	UNPUBLISHED
		)	
	Petitioner,	)	Attorneys' Fees and Costs;
		)	Reasonable Amount
v.		)	Requested to which
		)	Respondent Does Not
SECRETARY OF THE DEPARTMENT		)	Object
OF HEALTH AND HUMAN SERVICES,		)	
		)	
	Respondent.	)	
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Andrew Downing, Tulsa OK, for petitioner.

Darryl Wishard, Washington, DC, for respondent.

**ATTORNEYS' FEES AND COSTS DECISION<sup>1</sup>**

On June 16, 2011, Allison Flood (“petitioner”), filed a petition for compensation alleging that she suffered certain injuries as a result of receiving a vaccination. Among the injuries petitioner alleged that she has suffered as a result of receiving the HPV, meningococcal, and varicella vaccines on July 10, 2008,

<sup>1</sup> 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.

and a second dose of HPV vaccine on December 22, 2008, was Hashimoto's thyroiditis. She sought an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program<sup>2</sup> (the Act or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2006).

On September 20, 2012, counsel for both parties filed a stipulation, stating that a decision should be entered awarding compensation. Finding the stipulation reasonable, the undersigned issued a decision finding that petitioner is entitled to compensation under the Vaccine Program on September 20, 2012, and awarding damages. See Decision.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). On September 20, 2012, the parties' filed a stipulation of facts regarding final attorneys' fees and costs in the amount of \$53,500.00, to which respondent's counsel did not object. Based on the reasonableness of petitioner's request and respondent's counsel's lack of objection to petitioner's counsel's fee request, the undersigned **GRANTS** petitioner's motion for approval and payment of attorneys' fees and costs. Petitioner's counsel certifies that his client had incurred no out-of-pocket expenses per General Order No. 9.

The undersigned awards a total of \$53,500.00 in attorneys' fees and costs. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGEMENT** in petitioners' favor in the amount of \$53,500.00 in attorneys' fees and attorneys' costs. The judgment shall reflect that the Rhodes Hieronymus Jones Tucker & Gables firm may collect \$53,500.00 from petitioners.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.<sup>3</sup>

**IT IS SO ORDERED.**

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

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<sup>2</sup> 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.

<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.