

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-0750V

Filed: November 23, 2011

| | | |
|------------------------------------|---|---------------------------------------|
| ENJOLI GRAVES, legal | * | UNPUBLISHED |
| representative of her minor child, | * | |
| EMMA OLIVIA GRAVES, | * | Attorneys' Fees and Costs; Reasonable |
| Petitioner, | * | Amount Requested to which Respondent |
| | * | Does Not Object |
| v. | * | |
| | * | |
| SECRETARY OF HEALTH | * | |
| AND HUMAN SERVICES, | * | |
| | * | |
| Respondent | * | |

Richard Alan Rozanski, Alexandria, LA, for petitioner.

Chrysovalantis Panagiotis Kefalas, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On October 22, 2008, petitioner, Enjoli Graves, filed a petition seeking compensation under the National Vaccine Injury Compensation Program ("the Vaccine

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.

Program”).² In the petition, petitioner alleged that Emma Oliva Graves, her minor child, suffered a permanent and severe neurologic injury as a direct result of her receipt on November 3, 2005 of pertussis antigen-containing vaccine.

Based on the persuasive factors supporting petitioner’s vaccine claim and respondent’s election not to challenge petitioner’s claim, the undersigned issued a decision finding that petitioner is entitled to compensation under the Vaccine Program on November 22, 2010, and awarding damages. See Decision Awarding Damages.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300 aa-15(e). On November 22, 2011, petitioner’s counsel filed a motion for attorneys’ fees and costs in the amount of \$78,588.09, 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 \$78,588.09 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 \$78,588.09 in attorneys’ fees and attorneys’ costs. The judgment shall reflect that the Wheelis & Rozanski firm may collect \$78,588.09 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.³

IT IS SO ORDERED.

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

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (the “Act”). Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

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