

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
E-Filed: June 4, 2012

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TYSHEEM HARGROVE, JR.,	*	UNPUBLISHED
a minor, by his parents and natural guardians,	*	
FELICIA WISE and	*	No. 5-694V
TYSHEEM HARGROVE, SR.	*	
Petitioners,	*	Chief Special Master Campbell-Smith
	*	
v.	*	
SECRETARY OF	*	Award of Attorneys' Fees and Costs; Amount to
HEALTH AND HUMAN SERVICES,	*	Which Respondent Does
Respondent.	*	Not Object.
	*	
* * * * *	*	

Lawrence Cohan, Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley, P.C., Philadelphia, PA, for petitioners.

Linda Renzi, U.S. Dep't of Justice, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On June 27, 2005, Felicia Wise and Tysheem Hargrove, Sr. (“petitioners”) filed a petition on behalf of their minor child, seeking compensation under the National Vaccine Injury Compensation Program (“Vaccine Program”).²

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, § 205, 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.

Petitioners allege that as a result of the diphtheria-tetanus-acellular-pertussis vaccine (“dTap”) and/or other vaccinations administered to Tysheem, Jr. on May 20, 2003, he thereafter suffered from transverse myelitis (TM), mild paraplegia, and mild neurogenic bowel and bladder.

On February 28, 2012, the undersigned issued a decision based on respondent’s proffer on an award of compensation. See Decision Awarding Damages.

On May 11, 2012, petitioners provided respondent with a final application for attorneys’ fees and costs. See Stip. of Attorneys’ Fees and Costs at ¶ 2.

On June 4, 2012, the parties filed a stipulation of attorneys’ fees and costs, to which the parties had agreed during informal discussions.³ Id. at ¶ 3.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. § 15(e). Based on the reasonableness of petitioners’ request and respondent’s lack of objection to petitioners’ request, the undersigned **GRANTS** the parties’ stipulation of attorneys’ fees and costs.

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 “Act”). All citations in this decision to individual sections of the Act are to 42 U.S.C.A. § 300aa.

³ During informal discussions, petitioners agreed to amend the requested amount for attorneys’ fees and costs, to which respondent would not object. Stip. of Attorneys’ Fees and Costs at ¶ 3.

The undersigned awards a total of **\$21,000.00** in attorneys' fees and costs.⁴ Stip. of Attorneys' Fees and Costs at ¶ 5. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioners' favor in the amount of **\$21,000.00** for attorneys' fees and costs.⁵

The judgment shall reflect that Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley, P.C. may collect **\$21,000.00** from petitioners.

IT IS SO ORDERED.

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

⁴ This award is intended to cover all legal expenses incurred in this matter and contemplates attorneys' fees and costs in the amount of **\$21,000.00**, payable jointly to petitioners and petitioners' attorney of record. Id. at ¶ 5.

Petitioners had no reimbursable out-of-pocket expenses pursuant to General Order No. 9. Id. at ¶ 4.

⁵ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

Respectfully submitted,

**ATTORNEY OF RECORD FOR
PETITIONERS:**

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**ATTORNEY OF RECORD FOR
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s/Linda S. Renzi
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Dated: June 1, 2012