

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 01-499V
(E-Filed: September 14, 2011)

LOUONIA DENIECE HARRIS,)	
Administratrix of the Estate of TAMBRA)	UNPUBLISHED
HARRIS,)	
)	Attorneys' Fees and Costs;
Petitioner,)	Reasonable Amount Requested
)	to which Respondent Does Not
v.)	Object
)	
SECRETARY OF THE DEPARTMENT OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

Clifford Shoemaker, Vienna, VA, for petitioner

Lisa Watts, Washington, DC, for respondent

ATTORNEYS' FEES AND COSTS DECISION¹

CAMPBELL-SMITH, Chief Special Master

On August 29, 2001, TAMBRA HARRIS (“petitioner”), filed a petition for compensation alleging that she suffered certain injuries as a result of receiving a

¹ The undersigned intends to post this decision on the United States Court of Federal Claims’s website, in accordance with the E-Government Act of 2002, Pub.L.No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to file a motion for redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). In the absence of such motion, “the entire” decision will be available to the public. Id.

vaccination.² Among the injuries petitioner alleged that she had suffered as a result of receiving a hepatitis B vaccination was systemic lupus erythematosus (SLE). She sought an award under the National Vaccine Injury Compensation Program³ (the Act or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2006).

On March 23, 2011, the undersigned issued a decision based on the parties' stipulation to damages.

On August 19, 2011, petitioner's counsel filed a first and final fee application for attorneys' fees and costs. See Petition for Attorneys' Fees and Costs (Fee App.). On September 9, 2011, the parties filed a stipulation regarding reasonable attorneys' fees and costs to which respondent would agree not to object.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner's request and respondent's counsel's lack of objection to petitioner's counsel's amended fee request, the undersigned **GRANTS** petitioner's counsel's revised application for attorneys' fees and costs.

The undersigned awards a total of \$54,310.38 in attorneys' fees and costs.⁴ In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGEMENT in petitioner's favor in the amount of \$54,310.38 in attorneys' fees and attorneys' costs.**⁵ **The judgment shall reflect that Shoemaker and Associates may collect \$54,310.38 from petitioner.**

² Tambra Harris died on November 9, 2009. Tambra's mother and Administratrix of her estate, Louvonia Deniece Harris, was substituted as petitioner, and an amended petition was filed on October 15, 2010.

³ 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. § 300aa.

⁴ This award is intended to cover all legal expenses incurred in this matter and contemplates attorneys' fees in the amount of \$32,346.55 and attorneys' costs of \$21,963.83. Petitioner had no reimbursable out-of-pocket expenses pursuant to General Order No. 9. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, § 15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See generally Beck v. Sec'y of Dep't Health and Human Services, 924 F.2d 1029 (Fed. Cir. 1991).

⁵ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the

IT IS SO ORDERED.

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

parties' joint filing of notice renouncing the right to seek review.