

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
E-Filed: July 23, 2012

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BRANDY HATHAWAY	*	UNPUBLISHED	
	*		
Petitioner,	*	No. 10-581V	
	*		
v.	*	Chief Special Master	
	*	Campbell-Smith	
SECRETARY OF HEALTH	*		
AND HUMAN SERVICES,	*	Award of Attorneys' Fees and	
	*	Costs; Amount to Which	
Respondent.	*	Respondent Does Not Object	
	*		
* * * * *	*		

Curtis R. Webb, Twin Falls, ID, for petitioner.
Debra A. Begley, U.S. Dep't of Justice, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On August 27, 2010, Brandy Hathaway (“petitioner”) filed a petition seeking compensation under the National Vaccine Injury Compensation Program

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.

(“Vaccine Program”).²

Petitioner alleges that as a result of her receipt of the second administration of the human papillomavirus vaccination (“HPV”) series on August 29, 2007, she thereafter developed Guillain-Barré syndrome (“GBS”), suffered a miscarriage as a result of her medical treatment for GBS, and has experienced the residual effects of these injuries for more than six months. Pet. at 1-2.

On July 23, 2012, the undersigned issued a decision based on the parties’ stipulation to damages. See Decision Awarding Damages, July 23, 2012.

That same day, the parties filed a Stipulation of Facts Concerning Attorneys’ Fees and Costs, to which the parties had agreed during informal discussions.³ See Stip. of Fact Concerning Attorneys’ Fees and Costs at ¶ 4.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. § 15(e). Based on the reasonableness of petitioner’s request and respondent’s lack of objection to petitioner’s request, the undersigned **GRANTS** the parties’ stipulation of facts for 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, petitioner agreed to amend the requested amount for attorneys’ fees and costs, to which respondent would not object. Stip. of Fact Concerning Attorneys’ Fees and Costs at ¶ 4.

The undersigned awards a total of **\$11,100.00** in attorneys' fees and costs.⁴ Stip. of Fact Concerning Attorneys' Fees and Costs at ¶ 6. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of **\$11,100.00** for attorneys' fees and costs.⁵

The judgment shall reflect that the attorney of record for petitioner, **Mr. Curtis R. Webb**, may **\$11,100.00** from petitioner.

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 **\$11,100.00**, payable jointly to petitioner and petitioner's attorney of record. Id. at ¶¶ 5-6.

Petitioner had no reimbursable out-of-pocket expenses pursuant to General Order No. 9. Id. at ¶ 3.

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.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

BRANDY HATHAWAY, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND *

HUMAN SERVICES, *

Respondent. *

No. 10-581V
CHIEF SPECIAL MASTER
PATRICIA CAMPBELL-SMITH

STIPULATION OF FACTS CONCERNING ATTORNEYS' FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. Curtis R. Webb is the attorney of record for petitioner.
2. Petitioner's claim for compensation was resolved through settlement and stipulation for settlement was filed on July 20, 2012.
3. Petitioner's counsel asserts, pursuant to General Order number 9, that petitioner has not personally incurred any litigation costs in association with this proceeding on the petition.
4. In informal discussions, respondent raised objections to certain items in petitioner's request. In response, petitioner has amended her total request for reimbursement of attorneys' fees and costs to \$11,100.00. Respondent does not object to this amount.
5. Petitioner understands that the payment of \$11,100.00 represents all attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e). Counsel for respondent has informed counsel for petitioner that she does not oppose petitioner's total request of \$11,100.00 for attorneys' fees and costs.
6. The parties now agree that a decision should be entered awarding attorneys' fees and costs to petitioner and her attorney, Curtis R. Webb in the amount of \$11,100.00.
7. Nothing in this Stipulation, including the amount set forth in paragraph 4, should be construed as an admission, concession, or waiver by either party

as to any of the matters raised by petitioner's request for attorneys' fees and costs, including but not limited to the hourly rates requested, the number of hours requested, and other litigation-related costs. Respondent states (without waiving any objections) that the total amount of compensation set forth in paragraph 4 is not an unreasonable amount to have been incurred for proceedings in this case.

Respectfully submitted,

/s/ CURTIS R. WEBB

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Dated: July 23, 2012