

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

E-Filed: June 26, 2012

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RONNI AND CHRISTOPHER KOLLASCH,
as parents and natural guardians of
their minor child, QUINN KOLLASCH,

Petitioners,

v.

SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Respondent.

* * * * *

UNPUBLISHED

No. 10-717V

Chief Special Master
Campbell-Smith

Award of Attorneys' Fees
and Costs; Amount to
Which Respondent Does
Not Object.

Sheila A. Bjorklund, Lommen, Abdo, Cole, King & Stageberg, P.A., Minneapolis,
MN, for petitioners.

Lara A. Englund, U.S. Dep't of Justice, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On October 21, 2010, Ronni and Christopher Kollasch ("petitioners") filed a petition on behalf of their minor child, Quinn, 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 Quinn's receipt of a seasonal influenza ("flu") vaccine on November 18, 2009, he thereafter suffered from transverse myelitis. Pet. at 1.

By telephonic communication with chambers on April 5, 2012, the parties indicated that they had reached a tentative agreement on compensation in this case. See Order, Apr. 5, 2012, at 1.

In anticipation of that decision, petitioners informally forwarded to respondent, on April 23, 2012, an application for attorneys' fees and costs. See Stip. of Fact Concerning Attorneys' Fees and Costs ¶ 2, at 1.

On June 26, 2012, the parties filed a stipulation of facts regarding an amount of attorneys' fees and costs, to which the parties had agreed during informal discussions.³ See id. ¶ 3, at 1.

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 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, petitioners agreed to amend the requested sum of attorneys' fees and costs, to reflect an amount to which respondent would not object. See Stip. of Fact Concerning Attorneys' Fees and Costs ¶ 3, at 1.

The undersigned awards a total of **\$39,250.00** in attorneys' fees and costs.⁴ Stip. of Fact Concerning Attorneys' Fees and Costs ¶¶ 3, 5, at 1. 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 **\$39,250.00** for attorneys' fees and costs.⁵

The judgment shall reflect that Lommen, Abdo, Cole, King & Stageberg, P.A. may collect **\$39,250.00** 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 **\$39,250.00**, payable jointly to petitioners and petitioners' attorney of record. Id. ¶ 5, at 1.

Petitioners had no reimbursable out-of-pocket expenses pursuant to General Order No. 9. Id. ¶ 4, at 1.

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,

s/ SHEILA A. BJORKLUND

SHEILA A. BJORKLUND

Attorney for Petitioners

LOMMEN, ABDO, COLE, KING & STAGEBERG, P.A.

2000 IDS Center

80 South 8th Street

Minneapolis, MN 55402

(612) 339-8131

s/ LARA A. ENGLUND

LARA A. ENGLUND

Trial Attorney

Torts Branch

Civil Division

U.S. Department of Justice

P.O. Box 146

Benjamin Franklin Station

Washington, DC 20044-0146

DATED: June 26, 2012