

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: December 3, 2012

* * * * *

AMY OWENS and RICK OWENS, as
Parents and Natural Guardians of
TASHA OWENS,

Petitioners,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

* UNPUBLISHED
*
*
* No. 11-02V
*
* Chief Special Master
* Campbell-Smith
*
* Attorneys' Fees and Costs;
* Reasonable Amount Requested to which
* Respondent Does not Object.
*
*

Mark T. Sadaka, Law Offices of Sadaka Associates, LLC, Englewood, NJ, for petitioners
Darryl R. Wishard, U.S. Dep't of Justice, Washington, DC, for respondent

ATTORNEYS' FEES AND COSTS DECISION¹

On January 3, 2011, Amy Owens and Rick Owens (petitioners) filed a petition for compensation on behalf of their daughter, Tasha, alleging that, as a result of receiving the meningococcal vaccine on August 27, 2008, Tasha suffered from atypical fibromyalgia and/or trigeminal neuralgia. Petitioners sought an award under the National 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.

Injury Compensation Program (“Vaccine Program”).² On November 21, 2012, the undersigned issued a decision, based on the parties’ stipulation, awarding compensation to petitioners. Decision, November 21, 2012. Judgment in this case entered on November 27, 2012.

On December 3, 2012, the parties filed a Stipulation of Facts Regarding Attorneys’ Fees and Costs. According to the stipulation, respondent does not object to a total award of attorneys’ fees and costs in the amount of \$22,500.00. In accordance with General Order #9, petitioners filed a statement stating that they incurred no out-of-pocket expenses in pursuing their petition.

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 petitioners’ request and respondent’s counsel’s lack of objection to petitioners’ counsel’s fee request, the undersigned **GRANTS** petitioners’ motion for approval and payment of attorneys’ fees and costs. Accordingly, an award should be made in the form of a check payable jointly to petitioners and the Law Offices of Sadaka Associates, LLC, in the amount of **\$22,500.00**. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties’ stipulation.³

IT IS SO ORDERED.

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

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