

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**E-Filed: September 24, 2012**

* * * * *	*	
ELIZABETH SHAPIRO,	*	UNPUBLISHED
	*	
Petitioner,	*	No. 10-136V
	*	
v.	*	Chief Special Master
	*	Campbell-Smith
	*	
SECRETARY OF HEALTH AND HUMAN SERVICES,	*	Attorneys' Fees and Costs;
	*	Reasonable Amount Requested
Respondent.	*	to which Respondent Does Not Object
	*	
* * * * *	*	

Michael Dworkin, San Francisco, CA, for petitioner.

Julia McNerny, Washington, DC, for respondent.

**DECISION**<sup>1</sup>

On March 2, 2010, Elizabeth Shapiro (“petitioner”) filed a petition seeking compensation under the National Vaccine Injury Compensation Program (“Vaccine

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<sup>1</sup> 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.

Program”).<sup>2</sup> Petitioner alleges that she received hepatitis B vaccines on August 8, 2007, September 11, 2007, and February 5, 2008, and thereafter suffered a peripheral neuropathy and the residual effects of this condition for more than six months. Pet. at 1.

Based on the persuasive factors supporting petitioner’s vaccine claim and respondent’s election not to challenge petitioner’s claim, the undersigned issued a decision finding that petitioner is entitled to compensation under the Vaccine Program on June 29, 2012, and awarded damages. See Decision.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300 aa-15(e).

Counsel for the parties communicated telephonically with the undersigned’s chambers on September 21, 2012, identifying the amount of fees and costs to which respondent would not object. In accordance with this representation, petitioner orally amended her application for attorneys’ fees and costs to a total amount of \$60,00.00. By filed General Order No. 9, petitioner represented that she had incurred \$350.00 in out-of-pocket expenses.

Based on the reasonableness of petitioner’s request and respondent’s counsel’s lack of objection to petitioner’s counsel’s fee request, the undersigned **GRANTS** petitioner’s application for attorneys’ fees and costs.

The undersigned awards a total of \$60,000.00 in attorneys’ fees and costs, and an additional \$350.00 in petitioner’s out-of-pocket expenses **for a total amount of \$60,350.00**. In the absence of a motion for review filed pursuant to RCFC Appendix B,<sup>3</sup> the clerk of the court **SHALL ENTER JUDGEMENT** in petitioner’s favor in the amount of \$60,000.00 in attorneys’ fees and attorneys’ costs and \$350.00 in petitioner’s costs. The judgment shall reflect that the Michael S. Dworkin and Associates firm may collect \$60,000.00 from petitioner and petitioner may retain \$350.00.

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<sup>2</sup> 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.

<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of notice renouncing the right to seek review.

**IT IS SO ORDERED.**

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