

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
(Filed: December 5, 2011)

DONALD SHAW,)	
)	UNPUBLISHED
)	
Petitioner,)	No. 11-402V
)	
v.)	Attorneys' Fees and Costs
)	
SECRETARY OF THE DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

Robert G. Bellwoar, Philadelphia, PA, for petitioner.

Claudia Barnes Gangi, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION^{1,2}

On June 17, 2011, Donald Shaw (“petitioner”), filed a petition for compensation alleging that he suffered certain injuries as a result of receiving a vaccination. Among the injuries petitioner alleged that he had suffered as a result of receiving a trivalent influenza vaccination was Guillain-Barré Syndrome. He sought an award under the National

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.

² This decision replaces an earlier attorneys’ fees and costs decision, which was stricken from the record as it contained a material clerical error.

Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program³ (the Act or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2006).

Based on a stipulation filed by the parties, the undersigned issued a decision finding that petitioner is entitled to compensation under the Vaccine Program on November 18, 2011, and awarding damages. See Decision.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). On December 1, 2011, the parties filed a stipulation of fact concerning attorneys' fees and costs in the amount of \$20,426.86. 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** approval and payment of attorneys' fees and costs based on the parties' stipulation. Petitioner's counsel certifies that his client had incurred no out-of-pocket expenses per General Order No. 9.

The undersigned awards a total of \$20,426.86 in attorneys' fees and costs. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGEMENT** in petitioners' favor in the amount of \$20,426.86 in attorneys' fees and attorneys' costs. The judgment shall reflect that the law firm Schubert, Gallagher, Tyler & Mulcahey may collect \$20,426.86 from petitioner.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.⁴

IT IS SO ORDERED.

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

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.A. § 300aa.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.