

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

E-Filed: October 5, 2012; Re-Issued as Corrected October 10, 2012¹

* * * * *

CATHERINE STALEY, *

Petitioner, *

v. *

SECRETARY OF THE *

DEPARTMENT OF *

HEALTH AND HUMAN SERVICES, *

Respondent. *

* * * * *

UNPUBLISHED

No. 11-15V

Chief Special Master Campbell-Smith

Attorneys' Fees and Costs;
Reasonable Amount Requested to which
Respondent Does not Object

Ronald Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioner.
Chrysovalantis Kefalas, U.S. Dep't of Justice, Washington, DC, for respondent.

DECISION²

On January 6, 2010, Catherine Staley (petitioner) filed a petition seeking compensation under the National Vaccine Injury Compensation Program (Vaccine

¹ The decision that originally issued contained a clerical error and has been stricken from the record.

² Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling 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 (codified as amended at 44 U.S.C. § 3501 note (2006)). 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).

Program).³ Among the injuries petitioner alleged that she has suffered as a result of receiving a Human Papillomavirus vaccine (HPV) on February 5, 2008, was syncope. Pet. at 1. As a result of her syncope, she fell and injured her face, and has experienced the residual effects of this injury for more than six months. Id. at 1, 5.

On May 9, 2012, counsel for both parties filed a stipulation, stating that a decision should be entered awarding compensation. The undersigned issued a decision finding that petitioner is entitled to compensation under the Vaccine Program on May 9, 2012, 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 October 5, 2012, the parties' filed a stipulation of facts regarding final attorneys' fees and costs in the amount of \$11,526.14, to which respondent's counsel did not object.⁴ This total includes attorneys' fees in the amount of \$10,912.20, attorneys' costs in the amount of \$285.31, and petitioner's costs of \$328.63. 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 motion for approval and payment of attorneys' fees and costs.

The undersigned awards a total of \$11,526.14 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 petitioner's favor in the amount of \$11,526.14 in attorneys' fees and costs, and petitioner's costs.⁵ The judgment shall reflect that the CONWAY, HOMER & CHIN-CAPLAN firm may collect \$11,197.51 from petitioner.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith

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 "Act"). All citations in this decision to individual sections of the Act are to 42 U.S.C.A. § 300aa.

⁴ Petitioner previously presented a draft application for attorneys' fees and costs in the amount of \$16,953.42. In informal discussions, respondent raised objections to certain items in petitioner's draft application. Petitioner subsequently amended his application in this matter to request reimbursement for attorneys' fees and costs in the amount of \$15,000.00. See Stipulation.

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.

Patricia Campbell-Smith
Chief Special Master