

**In the United States Court of Federal Claims**

**OFFICE OF SPECIAL MASTERS**

No. 07-198V

Filed: July 22, 2009

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<b>GEORGE ROLAND,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	Stipulation;
<b>v.</b>	)	Attorneys' Fees and Costs
	)	
<b>SECRETARY OF THE DEPARTMENT</b>	)	
<b>OF HEALTH AND HUMAN SERVICES,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

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Donald P. Edwards, Atlanta, GA, for petitioner.

Melonie McCall, Washington, DC, for respondent.

**DECISION ON ATTORNEYS' FEES AND COSTS**<sup>1</sup>

On March 23, 2007, petitioner, George Roland, filed a petition seeking compensation under the National Vaccine Injury Compensation Program (the “Vaccine Program” or the “Act”).<sup>2</sup> The petition seeks compensation for injuries related to his receipt on November 4, 2005, of the influenza (“Flu”) vaccine which is contained in the Vaccine Injury Table. See

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<sup>1</sup> Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless the decisions contain trade secrets or commercial or financial information that is privileged or confidential, or the decisions contain medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. Within 14 days of the filing of a decision or substantive order with the Clerk of the Court, a party may identify and move for the redaction of privileged or confidential information before the document’s public disclosure.

<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.A. § 300aa-10-§ 300aa-34 (West 1991 & Supp. 2002) (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.

42 C.F.R. § 100.3(a)(I).

On July 10, 2009, counsel for both parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs (Stipulation) stating that a decision should be entered awarding attorneys' fees and costs in the total amount of \$56,741.00. The Stipulation reflects that petitioner's counsel informally submitted his Attorneys' Fees and Costs Application to respondent on April 2, 2009. Stipulation ¶2. In addition, the Stipulation notes that respondent raised objections to certain items in petitioner's application. *Id.* Based on discussions between the parties, petitioner's counsel amended his application for attorneys' fees and costs accordingly, to the amount that is reflected in the current stipulation.

On July 15, 2009, petitioner's counsel filed a General Order No. 9 on behalf of his client, which confirmed that petitioner had incurred no out-of-pocket expenses in this case.

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 petitioner's counsel's request and respondent's election not to object to the request, the undersigned **GRANTS** the attorneys' fees and costs as outlined in the Stipulation of Fact filed on June 10, 2009.

The undersigned awards petitioner \$56,741.00 in fees and costs.

Therefore, in the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of \$56,741.00 in attorneys' fees and attorneys' costs.<sup>3</sup> The judgment shall reflect that a check shall be made payable jointly to the Donald P. Edwards law firm and to petitioner.

**IT IS SO ORDERED.**

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Patricia E. Campbell-Smith  
Special Master

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<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.