

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

(E-Filed: October 22, 2009)

_____)	
SHELDON D. WEXLER,)	
)	UNPUBLISHED
)	
	Petitioner,)	No. 99-0452V
)	
v.)	Attorneys' Fees and
)	Costs; Respondent Does
SECRETARY OF THE DEPARTMENT)	Not Object
OF HEALTH AND HUMAN SERVICES,)	
)	
	Respondent.)	
)	
_____)	

Clifford Shoemaker, Vienna, Virginia, for petitioner.

Glen A. MacLeod, Washington, DC, for respondent.

DECISION ON ATTORNEYS' FEES AND COSTS¹

On July 13, 1999, petitioner, Sheldon D. Wexler, filed a petition seeking compensation under the National Vaccine Injury Compensation Program (the "Vaccine

¹ Because this document contains a reasoned explanation for the action of the undersigned, the document shall post on the website of the United States Court of Federal Claims 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 fourteen days within which to request the redaction "of any information furnished by that party (1) that is 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." Rules of the United States Court of Federal Claims (RCFC), Appendix B, Vaccine Rule 18(b). In the absence of timely objection, the entire document will be made publicly available.

Program” or the “Act”).² In the petition, he alleged that he sustained chronic erythema nodosum, peripheral neuropathy and other symptoms as a direct consequence of his June 30, 1992, and August 6, 1992 hepatitis-B vaccinations. Respondent denied that petitioner suffered chronic erythema nodosum, peripheral neuropathy or any other symptoms as result of his Hepatitis B vaccinations. See Stipulation. On January 28, 2009, the undersigned issued a Decision awarding petitioner compensation pursuant to a stipulation by the parties.

On August 25, 2009, counsel for petitioner filed an Application For Attorneys’ Fees and Costs requesting a total of \$40,137.92 in attorneys’ fees and costs and petitioner’s costs, to which respondent does not object. See Respondent’s October 20, 2009 Status Report. 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 request and on respondent’s counsel’s lack of objection to petitioner’s counsel’s fee request, the undersigned **GRANTS** petitioner’s counsel’s application for attorneys’ fees and costs.

The undersigned awards petitioner \$40,137.92 in attorneys’ fees and costs and petitioner’s costs. 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 \$40,137.92 in attorneys’ fees and attorneys’ costs and petitioner’s costs.³ The judgment shall reflect that the Shoemaker and Associates law firm may collect \$38,312.69 from petitioner. Petitioner may retain \$1,825.23 for costs borne by petitioner.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
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.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.

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.