

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-0341V

E-Filed: October 25, 2013

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MICHELLE HAMMAN,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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UNPUBLISHED

Attorneys' Fees and Costs;
Award in the Amount to Which
Respondent Does Not Object

ATTORNEY'S FEES AND COSTS DECISION¹

On May 27, 2009, Petitioner filed a petition seeking compensation under the National Vaccine Injury Compensation Program ("the Vaccine Program"). On March 20, 2013, the undersigned issued a decision adopting the parties' stipulation as to damages.

On October 7, 2013, Petitioner's counsel filed a motion for attorney's fees and costs requesting a total of \$40,505.10 for attorney's fees and \$24,564.58 in attorneys' costs. Petitioner had no out-of-pocket expenses per her representation in the General Order No. 9. On October 24, 2013, the parties filed a Stipulation of Fact Concerning Final Attorneys' Fees and Costs. Based on objections raised by Respondent, Petitioner amended her Application to request reimbursement for attorneys' fees and costs in the

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, § 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). Otherwise, "the entire" decision will be available to the public. Id.

amount of **\$60,000.00**, to which Respondent does not object.

The Vaccine Act permits an award of reasonable attorneys' fees and costs even in cases where compensation is not awarded to Petitioner. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of the amounts requested by Petitioner and Respondent's counsel's lack of objection, the undersigned **GRANTS** Petitioner's counsel's revised request for attorneys' fees and costs.

The undersigned approves the requested amount of attorneys' fees and costs as reasonable. **Accordingly, an award of \$60,000.00 should be made in the form of a check payable jointly to Petitioner and Petitioner's law firm, Maglio Christopher & Toale, PA.** In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of this Decision.²

IT IS SO ORDERED.

s/Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.