

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-196V

Filed: July 22, 2011

ELAINA FOLEY,)	
)	NOT TO BE PUBLISHED
Petitioner,)	
)	
v.)	Stipulation; influenza vaccine;
)	brachial plexus neuritis;
SECRETARY OF)	attorneys' fees
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

Lee Burdette, Burkett, Durdette & Fogarty, Seattle, WA, for Petitioner.
Alexis B. Babcock, U.S. Dep't of Justice, Washington, D.C. for Respondent.

DECISION¹

LORD, Special Master.

On July 20, 2011, the parties in the above-captioned case filed a Stipulation memorializing their positions as to the appropriate amount of attorneys' fees and costs in this case. After informal discussions with Respondent, Petitioner Elaina Foley requests a total award of \$27,951.69 in attorneys' fees and costs. In accordance with General Order #9, Petitioner's counsel represents that Petitioner incurred no personal litigation costs. Respondent does not object to this request. Id.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the court finds the stipulated amount of \$27,951.69 in attorneys' fees and costs to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Stipulation.

¹ The undersigned intends to post this decision on the United States Court of Federal Claims's 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 trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire ruling will be available to the public. Id.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$27,951.69** in attorneys' fees and costs. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

in a check made payable jointly to Petitioner and Petitioner's counsel in the amount of \$27,951.69.

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

ELAINA S. FOLEY,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 10-196V

Special Master Sandra Dee Lord

PETITIONER'S AMENDED
APPLICATION FOR FEES AND
COSTS

PETITIONER'S AMENDED APPLICATION FOR FEES AND COSTS

After consultation with respondent's counsel, petitioner's counsel hereby submits
an amended fee application as follows:

Attorney fees requested: \$17,252.50

Costs reimbursement: \$10,699.19

Total: \$27,951.69

Respondent has no objection to the fee application as amended.

Dated this 20th day of July 2011

/s/ Lee Burdette

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/s/ Alexis Babcock

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