

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

**OFFICE OF SPECIAL MASTERS**

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MARK ELECCION,

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Petitioner,

\*  
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No. 09-105V  
Special Master Christian J. Moran

v.

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\*

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

\*  
\*

Filed: November 2, 2011

Respondent.

\*

Attorneys' fees and costs; award in  
the amount to which respondent does  
not object.

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**UNPUBLISHED DECISION<sup>1</sup>**

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner;  
Julia W. McInerny, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Mark Eleccion filed his initial application for attorneys' fees and costs on October 6, 2011. On October 24, 2011, respondent informed the Court that she had no objection to this fee application. Therefore, the Court awards the amount to which respondent has not objected.

Mr. Eleccion claimed that the influenza vaccine caused an adverse reaction and received compensation based upon the parties' stipulation. Decision, filed May 18, 2011. Because Mr. Eleccion received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

Mr. Eleccion seeks **\$19,347.50** in attorneys' fees and **\$14,014.57** in costs for petitioner's counsel. Mr. Eleccion also seeks fees for his former attorney, Herrington & Boyd, LLP, in the amount of **\$12,412.50**. Additionally, Mr. Eleccion filed a statement of costs in compliance with General Order No. 9, stating that he incurred **\$572.04** while pursuing this claim. Respondent stated that she had no objection to this application for attorneys' fees and costs.

After reviewing the request, the court awards the following:

1. **A lump sum payment of \$45,774.57 in the form of a check payable to petitioner's attorney, Ronald C. Homer, of the law firm Conway, Homer & Chin-Caplan, P.C., and petitioner, Mark Eleccion, for attorney's fees and costs available under 42 U.S.C. § 300aa-15(e);**
2. **A lump sum payment of \$572.04 in the form of a check payable to petitioner, Mark Eleccion.**

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

S/ Christian J. Moran

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Christian J. Moran  
Special Master

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<sup>2</sup> 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.