

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

**OFFICE OF SPECIAL MASTERS**

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KIMBERLY JORDAN as the Mother \*  
of and as the administrator of the Estate \*  
of KHAMIYA C. JOHNSON, \*

No. 08-659V  
Special Master Christian J. Moran

Petitioner, \*

Filed: November 15, 2011

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

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

Respondent. \*

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**UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>**

John F. McHugh, Law Office of John McHugh, New York, NY, for Petitioner;  
Ryan D. Pyles, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Kimberly Jordan, as mother and administrator of the estate of Khamiya C. Johnson, filed an application for attorneys' fees and costs on September 30, 2011. On November 11, 2011, petitioner filed an amended application. The Court awards the amount to which respondent does not object.

Ms. Jordan claimed that the diphtheria-tetanus-acellular pertussis, haemophilus influenzae type B, inactivated poliovirus, and pneumococcal conjugate vaccines caused her daughter an adverse reaction and received compensation based upon the parties' stipulation.

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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 Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

Decision, filed February 9, 2011. Because Ms. Jordan received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Ms. Jordan seeks a total of **\$23,900.00** in attorneys' fees and costs for petitioner's counsel. Additionally, Ms. Jordan seeks a total of **\$12,600.00** in the form of a check payable jointly to petitioner and petitioner's former counsel, Adam M. Soll, Esq. Ms. Jordan filed a statement of costs in compliance with General Order No. 9, stating that she incurred no litigation expenses 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 check made payable to petitioner and petitioner's attorney in the amount of **\$23,900.00** for attorneys' fees and other litigation costs.
2. A check made payable to petitioner and attorney Adam M. Soll in the amount of **\$12,600.00**.

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.