

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

GABRIELLE MARTIN,
As the Administrator of the
Estate of her deceased infant daughter,
BREANNA MARSHALL,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

No. 09-809V
Special Master Christian J. Moran

Filed: May 6, 2011

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

UNPUBLISHED DECISION ON FEES AND COSTS^1

Mark T. Sadaka, Mark T. Sadaka, MSPH, Esq, Englewood, NJ, for Petitioner;
Ryan D. Pyles, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Gabrielle Martin, as the administrator of the estate of her deceased infant
daughter, Breanna Marshall ("Breanna"), filed an application for attorneys' fees and costs on
May 2, 2011. The Court awards the amount to which respondent does not object.

Ms. Marshall claimed that the Pediarix, Hib, pneumococcal conjugate, and Rotateq
vaccines caused Breanna an adverse reaction, resulting in her death. A stipulation for

^1 Because this unpublished decision contains a reasoned explanation for the special master's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).

compensation is expected in this case, based on the parties' request for a 15-week order (issued Oct. 4, 2010). Because Ms. Marshall is expected to receive compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. §300aa-15(e).

Ms. Marshall seeks a total of **\$24,750.00** in attorneys' fees and costs for petitioner's counsel. Additionally, Ms. Warren 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 a check made payable to petitioner and petitioner's attorney in the amount of **\$24,750.00** for attorneys' fees and other litigation costs. The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
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.