

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

LYDIA MYRELLA MEDINA, *
Legal representative of a Minor Child *
AYERI ADRIANA MEDINA, *

Petitioner, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

No. 11-311V
Special Master Christian J. Moran

Filed: May 24, 2013

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

Richard A. Eckerson, Eckerson Law Firm, PLLC, Tomball, TX, for Petitioner;
Claudia B. Gangi, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On May 23, 2013, respondent filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, Ms. Medina informally submitted a draft application for attorneys' fees and costs to respondent for review. During informal discussions, respondent requested, and petitioner provided, documentation for certain cost items in the draft application. After review, petitioner's request for attorneys' fees appeared to be reasonable to respondent. Therefore, petitioner requests reimbursement in the amount of \$16,598.08, an amount to which respondent does not object. The Court awards this amount.

On May 13, 2011, Ms. Medina filed for compensation legal representative of her child, Ayeri Adriana Medina ("Ayeri"), alleging that the varicella vaccine Ayeri received on April 30, 2009 caused Ayeri to suffer from acute disseminated encephalomyelitis, and also resulted in her death. Ms. Medina received compensation based upon the parties' stipulation. Decision, filed Oct., 15, 2012. Because Ms. Medina received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Ms. Medina seeks a total of **\$16,598.08** in attorneys' fees and costs for her counsel. In compliance with General Order No. 9, Ms. Medina submitted a statement indicating that she incurred no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the court awards a check made payable to petitioner and petitioner's attorney, Rick A. Eckerson, in the amount of **\$16,598.08** 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.