

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

MARY JANE WENGER *
as the Natural Parent and Guardian of *
KATIE MAE WENGER, *

Petitioner, *

No. 10-614V
Special Master Christian J. Moran

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

Filed: May 13, 2011

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

UNPUBLISHED DECISION ON FEES AND COSTS¹

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

Petitioner Katie Mae Wenger filed an application for attorneys' fees and costs on May
11, 2011. The Court awards the amount to which respondent does not object.

Ms. Wenger claimed that the Gardasil vaccine caused an adverse reaction. A stipulation
for compensation is expected in this case, based on the parties' request for a 15-week order
(issued April 28, 2011). Because Ms. Wenger is expected to receive compensation, she is
entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

¹ Because this unpublished decision contains a reasoned explanation for the special master's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

Ms. Wenger seeks a total of **\$9,000.00** in attorneys' fees and costs for petitioner's counsel. Additionally, Ms. Wenger 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 **\$9,000.00** 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.