

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

DARYL D. HOFFMAN,

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No. 10-287V

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Special Master Christian J. Moran

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Petitioner,

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Filed: December 20, 2010

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v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Attorneys' fees and costs; award
in the amount to which
respondent has not objected

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Respondent.

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UNPUBLISHED DECISION¹

Peter J. Sarda, Esq., Creech Law Firm, Raleigh, NC, for Petitioner;
Jennifer L. Reynaud, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Daryl Hoffman filed an application for attorneys' fees and costs on October 26, 2010. Respondent filed a response to petitioner's application on October 28, 2010. In her response, respondent found that the total amount of fees and costs requested by petitioner's attorney was not unreasonable. Resp't Reply, dated October 28, 2010. The Court awards the amount to which respondent has not objected.

Mr. Hoffman claimed that the flu vaccine caused an adverse reaction. The parties have reached a tentative settlement agreement in this case, as of September 22, 2010. Because Mr.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

Hoffman is expected to receive compensation based upon the parties' stipulation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Mr. Hoffman seeks a total of **\$10,950.50** in attorneys' fees and **\$350.00** in costs for petitioner's counsel. Additionally, Mr. Hoffman filed a statement of costs in compliance with General Order No. 9, stating that he 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 **\$11,300.50** in 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.