

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-89V

Filed: October 17, 2012

***** NOT TO BE PUBLISHED *****
SARAH ELIZABETH JACKSON, *
*
Petitioner, * Special Master Zane
*
v. *
* Stipulation; attorneys' fees and costs
SECRETARY OF HEALTH *
AND HUMAN SERVICES, *
*
Respondent. *

Elizabeth M. Muldowney, Rawls, McNelis & Mitchell, PC, Richmond, VA, for Petitioner
Ann D. Martin, United States Dep't of Justice, Washington, DC, for Respondent

UNPUBLISHED DECISION ON ATTORNEYS' FEES AND COSTS^{1,2}

On October 10, 2012, the parties in the above-captioned case filed a Stipulation of Facts Concerning Attorneys' Fees and Costs ("Stipulation") memorializing their agreement as to the appropriate amount of attorneys' fees and costs Petitioner should be awarded in this case. Pursuant to the Stipulation of the parties, Petitioner requests an award of \$25,899.49, in attorneys' fees and costs. In accordance with General Order #9, Petitioner represents that she has personally incurred \$500.00, in litigation costs. In accordance with 42 U.S.C. §§ 300aa-15(b) and (e)(1), the undersigned hereby awards the amount to which Respondent does not object.

On February 16, 2010, Petitioner, Sarah Elizabeth Jackson, filed a petition seeking compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. § 300aa-10,

¹ The undersigned intends to post this decision on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire ruling will be available to the public. *Id.*

² On October 17, 2012, the Decision on Attorneys' Fees and Costs issued October 11, 2012 was withdrawn due to an error in the amount of attorneys' fees and costs. This Decision corrects that error, but is otherwise unchanged.

et seq., as amended (“the Vaccine Act”), alleging that she suffered injuries related to her receipt of the human papillomavirus quadrivalent (“HPV”) vaccines on January 8, 2007, and March 9, 2007. Specifically, Petitioner alleged that as a result of her March 9, 2007 HPV vaccine, she suffered debilitating sciatic neuropathy. Petition at 1. A decision awarding compensation based upon the parties’ stipulation was entered on July 5, 2012. Because compensation was awarded in this case, Petitioner is entitled to an award of reasonable attorneys’ fees and costs. 42 U.S.C . § 300aa-15(e).

The parties have now stipulated that \$25,899.49, in Petitioner’s attorneys’ fees and costs, and \$500.00, in Petitioner’s personal litigation costs, is a reasonable amount to be awarded. After reviewing the request, the undersigned finds the stipulated amount to be reasonable. Based on the request’s reasonableness and pursuant to Vaccine Rule 13, the undersigned **GRANTS** the parties’ request as outlined in the Stipulation. The judgment shall reflect that Petitioner is awarded attorneys’ fees and costs as follows:

- (a) the amount of \$25,899.49 for attorneys’ fees and costs in a check made payable jointly to Petitioner (Sarah Elizabeth Jackson) and Petitioner’s counsel (Rawls, McNelis & Mitchell, PC), and**
- (b) the amount of \$500.00 for costs in a check made payable solely to Petitioner (Sarah Elizabeth Jackson).**

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.³

IT IS SO ORDERED.

s/ Daria J. Zane
Daria J. Zane
Special Master

³ 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.