

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
E-Filed: August 5, 2013

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|-------------------------------------|---|----------------------------|
| * * * * * | * | UNPUBLISHED |
| DYMETRIA KNIGHT, a minor, | * | |
| by her mother and natural guardian, | * | No. 99-470V |
| KIMBERLY DIXON, | * | |
| | * | |
| Petitioner, | * | Chief Special Master |
| | * | Campbell-Smith |
| v. | * | |
| | * | Attorneys' Fees and Costs; |
| SECRETARY OF HEALTH | * | Reasonable Amount |
| AND HUMAN SERVICES, | * | Requested to Which |
| | * | Respondent Does Not Object |
| Respondent. | * | |
| * * * * * | * | |

Clifford J. Shoemaker, Vienna, VA, for petitioner.
Ryan D. Pyles, Washington, D.C., for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On July 16, 1999, Kimberly Dixon (“petitioner”) filed a petition on behalf of her minor child, Dymetria Knight, seeking compensation under the National

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). 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 a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, “the entire” decision will be available to the public. Id.

Vaccine Injury Compensation Program (“the Program”).² Petitioner alleged that Dymetria suffered injuries as a result of receiving a hepatitis B (Hep B) vaccination on November 4, 1996. On January 10, 2013, the undersigned issued a decision dismissing petitioner’s case for insufficient proof, and judgment was entered on February 12, 2013.

On July 9, 2013, petitioner filed a motion for attorneys’ fees and costs. Respondent’s response was due by August 2, 2013. On August 2, 2013, petitioner’s counsel contacted the undersigned’s chambers and represented that the parties were able to determine a reasonable amount to which respondent would not object. According to petitioner’s counsel, respondent does not object to an amount of \$33,750.00 in attorneys’ fees and costs and \$132.50 in petitioner’s costs.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner’s request and respondent’s counsel’s lack of objection to petitioner’s counsel’s fee request, the undersigned **GRANTS** petitioner’s motion for approval and payment of attorneys’ fees and costs. Accordingly, an award should be made in the form of a check payable as follows:

- (a) a lump sum payment in the amount of \$33,750.00, payable jointly to petitioner and Shoemaker and Associates, for attorney and paralegal fees, and attorney costs, and
- (b) a lump sum payment in the amount of \$132.50, payable to petitioner only, for her out-of-pocket expenses.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties’ stipulation.³

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Chief Special Master

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3758, codified as amended, 42 U.S.C. §§ 300aa-10 et seq. (hereinafter “Vaccine Act” or “the Act”). Hereinafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of notice renouncing the right to seek review.