

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

**OFFICE OF SPECIAL MASTERS**

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TIMOTHY ABBOTT, \*

No. 10-369V

Petitioner, \*

Special Master Christian J. Moran

v. \*

Filed: April 12, 2012

SECRETARY OF HEALTH \*

Attorneys' fees and costs; award

AND HUMAN SERVICES, \*

in the amount to which

Respondent. \*

respondent does not object.

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**UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>**

Peter J. Sarda, Creech Law Firm, Raleigh, NC, for Petitioner;

Jennifer L. Reynaud, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Timothy Abbott filed an application for attorneys' fees and costs on March 20, 2012. Respondent raised objections to certain items in this motion. After discussions between the parties, petitioner amended his motion. The Court now awards the amount to which respondent does not object.

Mr. Abbott claimed that the varicella, tetanus, diphtheria and acellular pertussis, measles, mumps, rubella, hepatitis A and hepatitis B vaccines caused an adverse reaction and received compensation based upon the parties' stipulation. Decision, filed Dec. 21, 2011. Because Mr. Abbott received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

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 Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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

Mr. Abbott seeks a total of **\$17,000.00** in attorneys' fees and costs for petitioner's counsel. Additionally, Mr. Abbott 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 a check made payable to petitioner and petitioner's attorney in the amount of **\$17,000.00** 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.<sup>2</sup>

**IT IS SO ORDERED.**

S/ Christian J. Moran

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Christian J. Moran  
Special Master

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<sup>2</sup> 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.