

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

FRANCES L. GIBBS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 07-793V
Special Master Christian J. Moran

Filed: September 17, 2012

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

UNPUBLISHED DECISION¹

Robert T. Moxley, Robert T. Moxley, P.C., Cheyenne, WY, for Petitioner;
Chrysovalantis P. Kefalas, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Frances L. Gibbs filed her application for attorneys' fees and costs on September 14, 2012. The Court awards the amount to which respondent has not objected.

Ms. Gibbs claimed that the influenza vaccine caused an adverse reaction and received compensation based upon the parties' stipulation. Decision, filed Aug. 30, 2011. Because Ms. Gibbs received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Ms. Gibbs seeks **\$40,906.50** in attorneys' fees and **\$16,497.87** in costs for petitioner's counsel. Additionally, Ms. Gibbs filed a statement of costs in compliance with General Order No. 9, stating that she incurred **\$3,052.43** 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 the following:

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

1. **A lump sum payment of \$57,404.37 in the form of a check payable to petitioner's attorney, Robert T. Moxley, of the law firm Robert T. Moxley, P.C., and petitioner, Frances Gibbs, for attorney's fees and costs available under 42 U.S.C. § 300aa-15(e).**
2. **A lump sum payment of \$3,052.43 in the form of a check payable to petitioner, Frances Gibbs.**

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.