

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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NOMA F. KAMLER,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 11-617V

Special Master Christian J. Moran

Filed: April 11, 2013

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

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### UNPUBLISHED DECISION ON FEES AND COSTS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

Donald L. Schlappizzi, St. Louis, MO, for Petitioner;

Michael P. Milmo, U.S. Department of Justice, Washington, D.C., for Respondent.

Respondent filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter on April 10, 2013. Previously, on March 15, 2013, Ms. Kamler filed a motion for attorneys' fees and costs. Respondent filed a response to petitioner's motion on April 1, 2013, wherein respondent raised objections to certain items. Based on subsequent informal discussions, petitioner amended her application to request a total of \$34,500.00 in fees and costs, an amount to which respondent does not object. The Court awards this amount.

Ms. Kamler filed for compensation on September 26, 2011, alleging that the Tetanus-Diphtheria-acellular Pertussis vaccine, which she received on or about September 19, 2009, caused her to suffer Guillain-Barré Syndrome. Ms. Kamler received compensation based upon the parties' stipulation. Decision, filed Jan. 22, 2013. Because Ms. Kamler received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Ms. Kamler seeks a total of **\$34,500.00** in attorneys' fees and costs for her counsel. In compliance with General Order No. 9, Ms. Kamler filed a statement that she incurred no out-of-

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<sup>1</sup> 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.

pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested 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 **\$34,500.00** 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  
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.