

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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SHANNON M. McGRATH, \*  
as Administratrix of the estate of S.M., \*  
an infant, deceased, \*

No. 11-521V  
Special Master Christian J. Moran

Petitioner, \*

Filed: April 8, 2013

v. \*  
\*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

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

Respondent. \*

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### UNPUBLISHED DECISION ON FEES AND COSTS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

Rudolph L. Massa, Massa Law Group, Pittsburgh, PA, for Petitioner;  
Ann D. Martin, 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 March 28, 2013. Previously, Ms. McGrath informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended her application to request \$63,714.05, an amount to which respondent does not object. The Court awards this amount.

Ms. McGrath filed for compensation as Administratrix of the estate of S.M., an infant, deceased. In her petition, petitioner alleged that the diphtheria-tetanus-acellular pertussis, inactivated poliovirus, haemophilus influenza type b, pneumococcal conjugate and/or rotavirus vaccines, which S.M. received on September 16, 2009, caused her death on September 18, 2009. Ms. McGrath received compensation based upon the parties' stipulation. Decision, filed March 21, 2013. Because Ms. McGrath received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

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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.

Ms. McGrath seeks a total of **\$63,714.05** in attorneys' fees and costs for her counsel. Additionally, in compliance with General Order No. 9, Ms. McGrath filed a statement that she incurred no out-of-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 **\$63,714.05** 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.