

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-642V

Filed: February 25, 2013

CHERYL PATRICIA KINSER,

*

NOT TO BE PUBLISHED

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Petitioner,

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Special Master Zane

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v.

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Stipulation; Attorneys' Fees
and Costs

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Blake Dean Beeler, Bryce Johnson & Associates, Oklahoma City, OK, for Petitioner;
Justine Elizabeth Daigneault, United States Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On February 19, 2013, the parties in the above-captioned case filed a Stipulation of Facts Concerning Attorneys' Fees and Costs (Stipulation) memorializing their agreement as to the appropriate amount of attorneys' fees and costs in this case. After informal discussions with Respondent, Petitioners request a total award of \$12,789.58. Moreover, Petitioner has represented that she incurred no personal litigation costs. In accordance with 42 U.S.C. § 300aa-15(e), the undersigned awards the amount to which Respondent does not object.

On October 4, 2011, Petitioner, Cheryl Patricia Kinser, filed a petition seeking

¹ Because this decision contains a reasoned explanation for the Special Master's action in this case, the Special Master intends to post it on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 113 Stat. 2899, 2913 (Dec. 17, 2002). All decisions of the Special Master 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, a party has 14 days to identify and to move to redact such information before the document's disclosure. If the Special Master, upon review, agrees that the identified material fits within the banned categories listed above, the Special Master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. § 300aa-10, *et seq.*, as amended (“the Vaccine Act”), alleging that she suffered from Guillain-Barre Syndrome (“GBS”) as a consequence of her receipt of the influenza (“flu”) vaccine which she received on or about October 6, 2008.

Although Respondent did not concede the claim, the parties, nonetheless, settled the matter, and an award of compensation was made. A decision awarding compensation based upon the parties’ stipulation was entered on February 13, 2013. Because Petitioner has been awarded compensation, Petitioner is entitled to an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300aa-15(e). The undersigned also finds that the agreed upon amount of \$12,789.58 in attorneys’ fees and costs is reasonable based on the stage at which this matter was settled. Based on the request’s reasonableness and pursuant to Vaccine Rule 13, the undersigned **GRANTS** the Petitioner’s unopposed request as outlined in the Stipulation for Attorneys’ Fees and Costs. The judgment shall reflect that Petitioner is awarded attorneys’ fees and costs as follows:

in a check made payable jointly to Petitioner (Cheryl Patricia Kinser) and Petitioner’s counsel (Blake Dean Beeler) the amount of \$12,789.58, representing attorneys’ fees and costs.

The Court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

/s/ Daria J. Zane
Daria J. Zane
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.