

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: August 22, 2013

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BARBARA MURRAY,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

* UNPUBLISHED
* No. 99-545V
*
* Chief Special Master
* Campbell-Smith
*
* Attorneys' Fees and Costs;
* Reasonable Amount Requested
* to Which Respondent Does Not
* Object
*

Clifford J. Shoemaker, Shoemaker & Associates, Vienna, VA, for petitioner.

Glenn A. MacLeod, U.S. Dep't of Justice, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On July 29, 1999, Barbara Murray (petitioner), filed a petition pursuant to the National Vaccine Injury Compensation Program ("Vaccine Program").² Petitioner

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to 34 (2006) ("Vaccine Act" or "Act"). All

alleged that she suffered an adverse reaction to the hepatitis B vaccinations administered to her on August 5, 1992, September 2, 1993, and February 24, 1993. See Petition ¶3; Pet'r Ex. 1 at 1 (Affidavit of petitioner). In particular, petitioner asserted that the hepatitis B vaccination series she received first triggered visual changes that were suggestive of an ocular autoimmune response and then led to her development of Addison's disease. Id. On December 4, 2012, the undersigned issued a decision, based on the parties' proffer, awarding compensation to petitioner. Decision, December 12, 2012.

On July 2, 2013, petitioner's counsel filed a motion for attorneys' fees and costs. On August 22, 2012, the parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs. According to the stipulation, respondent does not object to a total award of attorneys' fees and costs in the amount of \$120,000.00. In accordance with General Order #9, petitioner filed a statement stating that she incurred out-of-pocket expenses in the amount of \$686.34.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner's request and respondent's counsel's lack of objection to petitioner's counsel's fee request, the undersigned **GRANTS** petitioner's motion for approval and payment of attorneys' fees and costs and of petitioner's costs. Accordingly, an award of attorneys' fees shall be made in the form of a check payable jointly to petitioner and Shoemaker and Associates, in the amount of **\$120,000.00**. An award of petitioner's out-of-pocket expenses should be made payable directly to petitioner in the amount of \$686.34. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Chief Special Master

citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.