

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

**OFFICE OF SPECIAL MASTERS**

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CAROL JAMES,

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Petitioner,

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No. 09-321V

Special Master Christian J. Moran

v.

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Filed: January 26, 2011

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

\*

\*

Attorneys' fees and costs; award  
in the amount to which

Respondent.

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\*

respondent does not object

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**UNPUBLISHED DECISION**<sup>1</sup>

F. John Caldwell, Jr., Maglio, Christopher & Toale, Sarasota, FL, for Petitioner;  
Voris E. Johnson, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Carol James filed her application for fees on costs on January 21, 2011. The Court awards the amount to which respondent has not objected.

Ms. James claimed that the influenza vaccine caused an adverse reaction. A stipulation for compensation is expected in this case, based on the parties' request for a 15-week order (issued December 16, 2010). Because Ms. James is expected to receive compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. §300aa-15(e).

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters 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, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

Ms. James seeks **\$23,224.09** in attorneys' fees and costs for petitioner's counsel. Additionally, Ms. Smith filed a statement of costs in compliance with General Order No. 9, stating that she incurred no costs 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 a check made payable to petitioner's attorney in the amount of **\$23,224.09** 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

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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.