

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

KYLE NICKELL and SUSAN NICKELL, *
Individually and Behalf of *
EMILY NICKELL, *
a Minor, *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

No. 11-88V
Special Master Christian J. Moran

Filed: April 11, 2012

Attorneys' fees and costs; award in
the amount to which respondent does
not object.

UNPUBLISHED DECISION ON FEES AND COSTS¹

Gil L. Daley, II, Law Office of Gil L. Daley, II, P.C., Forth Worth, TX, for Petitioners;
Lara A. Englund, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioners Kyle and Susan Nickell filed an application for attorneys' fees and costs on April 9, 2012. The Court awards the amount to which respondent does not object.

Mr. and Mrs. Nickell claimed that the Measles-Mumps-Rubella, Hepatitis A, and Varicella vaccines caused their daughter an adverse reaction and received compensation based

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

upon the parties' stipulation. Decision, filed Oct. 13, 2011. Because Mr. and Mrs. Nickell received compensation, they are entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Mr. and Mrs. Nickell seek a total of **\$15,082.07** in attorneys' fees and costs for petitioners' counsel. Additionally, Mr. and Mrs. Nickell filed a statement of costs in compliance with General Order No. 9, stating that they incurred no litigation expenses 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 petitioners and petitioners' attorney in the amount of **\$15,082.07** 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.²

IT IS SO ORDERED.

Christian J. Moran
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.