

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

PETER J. DAWSON,

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Petitioner,

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No. 08-16V

Special Master Christian J. Moran

v.

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Filed: November 10, 2010

SECRETARY OF HEALTH
AND HUMAN SERVICES,

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

Respondent.

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UNPUBLISHED DECISION¹

Michael J. Williams, Esq., Cellino and Barnes, P.C., Buffalo, NY, for Petitioner;
Chrysovalantis P. Kefalas, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Peter Dawson filed an application for attorneys' fees and costs on October 26, 2010. The Court awards the amount to which respondent has not objected.

Mr. Dawson claimed that the trivalent influenza vaccine caused an adverse reaction and received compensation based upon the parties' stipulation. Decision, filed November 3, 2008. Because Mr. Dawson received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Mr. Dawson seeks a total of **\$11,632.73** in attorneys' fees and **\$367.27** in costs for petitioner's counsel. Additionally, Mr. Dawson filed a statement of costs in compliance with

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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

General Order No. 9, stating that he 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 **\$12,000.00** in 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.

S/ Christian J. Moran

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.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

PETER J. DAWSON,

Case No. 1:08-vv-00016-UNJ

Petitioner,

Special Master Moran

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

**STIPULATION BY PETITIONER AND
RESPONDENT REGARDING
PETITIONER'S REIMBURSEMENT OF
FINAL FEES AND COSTS**

Respondent.

STIPULATION REGARDING ATTORNEYS FEES AND COSTS

Pursuant to this Court's request that the parties attempt to informally resolve fees and costs, it is hereby stipulated, by and between the parties, as follows:

1. Michael J. Williams, Esq., with the law firm of Cellino & Barnes, P.C., is the attorney of record for petitioner, Peter J. Dawson.
2. Petitioner submitted invoices pertaining to all fees and costs, including experts.
3. During informal discussions between the parties, Respondent raised objections to certain items relating to the attorneys fees and costs. Based on these discussions, Petitioner agrees to reduce the attorney's fees originally sought in this matter to \$11,632.73, and costs of \$367.27, for a total of \$12,000.
4. Pursuant to General Order #9, Petitioner incurred no reimbursable out-of-pocket expenses that have not otherwise been reimbursed herein or within the settlement.

5. The parties now request the decision awarding the attorneys fees and costs described in paragraph 3, totaling \$12,000, be issued.

Respectfully submitted,

DATED: October 25, 2010

By: s/ Michael J. Williams
Michael J. Williams, Esq.
CELLINO & BARNES, P.C.
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2500 Main Place Tower
Buffalo, New York 14202-3725
(716) 566-2269

DATED: October 25, 2010

By: s/ Chrysovalantis P. Kefalas
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C., 20044-0146

CERTIFICATE OF SERVICE

I hereby affirm that a copy of this STIPULATION BY PETITIONER AND RESPONDENT REGARDING PETITIONER'S REIMBURSEMENT OF FINAL FEES AND COSTS was electronically filed with the Clerk of the United States Court of Federal Claims by means of this Court's EM/ECF system on October 26, 2010. A copy of the petition will be electronically served on Respondent's counsel at the e-mail address of record by operation of the EM/ECF system on October 26, 2010.

DATED: October 26, 2010

By: s/ Michael J. Williams
Michael J. Williams, Esq.
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