

**In the United States Court of Federal Claims**

**OFFICE OF SPECIAL MASTERS**

No. 07-745V

Filed: May 17, 2013

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NOT TO BE PUBLISHED

JANNA NEEL,

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**Special Master Zane**

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Unopposed attorneys' fees and costs

Petitioner,

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v.

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

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Respondent.

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*Michael A. London*, Douglas & London, New York, NY, for Petitioner;

*Alexis B. Babcock*, United States Dep't of Justice, Washington, DC, for Respondent.

**DECISION ON UNOPPOSED MOTION FOR FEES<sup>1</sup>**

On May 16, 2013, the Petitioner's counsel filed an unopposed motion for fees and costs in the above-captioned case memorializing the agreement between parties as to the appropriate amount of attorneys' fees and costs in this case. At the status conference conducted this date,

<sup>1</sup> 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 secret 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. Absent a timely motion to redact, the decision will be made available to the public in its entirety. If the Special Master, upon review of a timely-filed motion, agrees that the identified material fits within the categories listed above, the Special Master shall redact such material from the decision made available to the public. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

Petitioner verified that the total which she is requesting for fees and costs is \$72,500.00, to which Respondent does not object. Petitioner's counsel represents that Petitioner 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.

Petitioner, Janna Neel, alleged that she suffered from Guillain-Barré Syndrome (GBS), as well as other neurological injuries and autoimmune issues, that were caused-in-fact by her receipt of the influenza ("flu") vaccine, which vaccine is contained in the Vaccine Injury Table, 42 C.F.R § 100.3(a), and which she received on or about October 27, 2004. Petitioner also alleged residual effects of this injury for more than six months and that she has not otherwise received compensation for such injuries. A decision awarding compensation based upon the parties' stipulation was entered on September 11, 2012. [DE92].

Although Respondent did not concede the claim, the parties, nonetheless, settled the matter, and an award of compensation was made. Because, Petitioner had 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 amount of \$72,500.00, 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 parties' request as outlined in the Stipulation. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

**in a check made payable jointly to Petitioner (Janna Neel) and Petitioner's counsel (Michael Andrew London of the law firm Douglas & London), the amount of \$72,500.00, pursuant to 42 U.S.C. § 300aa-15(e). Such check should be mailed directly to Petitioner's counsel, Michael A. London, Douglas & London, PC, 111 John Street, Suite 1400, New York, NY 10038.**

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.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Daria Zane  
Daria J. Zane  
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.