

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

CHARMAINE GRAHAM and
BRANDON GRAHAM, as the
Parents and Natural Guardians of
K.G., an Infant,

Petitioners,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* No. 12-144V
* Special Master Christian J. Moran
*

* Filed: October 3, 2014
*

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

Mark T. Sadaka, Englewood, NJ, for Petitioners;
Heather L. Pearlman, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On September 25, 2014, respondent filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioners informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioners' application, respondent raised objections to certain items. Based on subsequent discussions, petitioners amended their application to request \$22,018.05, an amount to which respondent does not object. The Court awards this amount.

¹ When the undersigned's March 11, 2014 decision issued, the parties were notified that the decision would be posted 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)). Petitioners were also notified that they could seek redaction pursuant to § 300aa-12(d)(4)(B); Vaccine Rule 18(b). Petitioners made a timely request for redaction and that decision reissued with the name of the vaccinee redacted to initials. For this reason, this present decision has been redacted as well.

On March 2, 2012, Charmaine and Brandon Graham filed a petition for compensation, on behalf of their son, K.G., alleging that the influenza vaccine, which K.G. received on October 14, 2009, caused him to suffer narcolepsy. Petitioners received compensation based upon the parties' stipulation. Decision, filed Mar. 11, 2014. Because petitioners received compensation, they are entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioners seek a total of **\$22,018.05** in attorneys' fees and costs for their counsel. Additionally, in compliance with General Order No. 9, petitioners state that they incurred no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

A lump sum of \$22,018.05 in the form of a check made payable to petitioners and petitioners' attorney, Mark T. Sadaka, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master