

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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ZOHREH GERAMI, \*  
A Married Woman, \*

Petitioner, \*

No. 12-442V \*  
Special Master Christian J. Moran \*

v. \*

Filed: April 16, 2014 \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

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

Respondent. \*

\*\*\*\*\*

### UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>

Cyrus Meshki, Law Offices of Cyrus Meshki, APC, Los Angeles, CA, for petitioner.

Darryl R. Wishard, United States Dep't of Justice, Washington, DC, for respondent.

Petitioner Zohreh Gerami filed an application for attorneys' fees and costs on April 8, 2010. The Court awards the amount to which respondent does not object.

Petitioners claimed that the diphtheria-pertussis-tetanus ("DPT") vaccine caused Ms. Gerami's skin irritation, a rash, insomnia, cellulitis, and anxiety. *See Petition*, filed July 13, 2012. The information in the record failed to demonstrate

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

entitlement to an award under the Program and compensation was denied. Decision, dated October 11, 2013. The United States Court of Federal Claims denied a motion for review of the October 11, 2013 decision on March 31, 2014.

Even though compensation was denied, a petitioner who brings her petition in good faith and who has a reasonable basis for the petition may be awarded attorneys' fees and costs. See 42 U.S.C. § 300aa-15(e)(1). Respondent does not contend that petitioners failed to satisfy these criteria.

Petitioner seeks a total of **\$9,150.00** for attorneys' fees. Additionally, Ms. Gerami filed a statement of costs in compliance with General Order No. 9, stating that she incurred **\$661.02** 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 the following:

1. **A lump sum of \$9,150.00 in the form of a check payable to petitioner's attorney, Cyrus Meshki, Law Offices of Cyrus Meshki, APC and petitioner, Zohreh Gerami, for attorney's fees and costs available under 42 U.S.C. § 300aa-15(e).**
2. **A lump sum of \$661.02 in the form of a check payable to petitioner, Zohreh Gerami.**

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  
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.