

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

KATHLEEN OLSZEWSKI,	*	
	*	No. 13-28V
Petitioner,	*	Special Master Christian J. Moran
	*	
v.	*	Filed: August 10, 2015
	*	
SECRETARY OF HEALTH	*	Attorneys' fees and costs; award
AND HUMAN SERVICES,	*	in the amount to which respondent
	*	does not object.
Respondent.	*	

John Defazio, Viola, Cummings and Lindsay, LLP, Niagara Falls, NY, for Petitioner;
Darryl Wishard, United States Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On August 4, 2015, petitioner filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioner informally submitted a motion for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended her application to request \$55,500.00, an amount to which respondent does not object. The Court awards this amount.

On January 14, 2013, Kathleen Olszewski filed a petition for compensation alleging that the Tetanus-Diphtheria-acellular Pertussis ("Tdap") vaccine, which she received on May 3, 2011, caused her to suffer from cellulitis and gastrointestinal symptoms due to antibiotic therapy for her cellulitis. Petitioner received compensation based upon the parties' stipulation. Decision, issued May 18, 2015.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this ruling 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.

Because petitioner received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$55,500.00** in attorneys' fees and costs. In compliance with General Order No. 9, petitioner's counsel represents that petitioner has 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 \$55,500.00 in the form of a check made payable to petitioner and petitioner's attorney, John Defazio, of Viola, Cummings and Lindsay, LLP, 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) 357-6360.

IT IS SO ORDERED.

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