

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-743V

March 5, 2014

*****		UNPUBLISHED
HOLLY GRANT,	*	
	*	Special Master Dorsey
Petitioner,	*	
	*	Influenza (Flu) Vaccine; Arm Pain;
v.	*	Shoulder Pain; Attorneys' Fees and
	*	Costs; Reasonable Amount
SECRETARY OF HEALTH	*	Requested to Which Respondent
AND HUMAN SERVICES,	*	Does Not Object.
	*	
Respondent.	*	

Sherry Kay Drew, McDowell & Drew, Ltd., Glenview, IL, for petitioner.
Debra A. Filteau Begley, U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON ATTORNEYS' FEES AND COSTS¹

On September 26, 2013, Holly Grant (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program,² 42 U.S.C. §§ 300aa-1 to -34 (2006), in which she alleged that she suffered left arm and left shoulder pain as a result of receiving a flu vaccine on September 28, 2010. The undersigned determined that petitioner is entitled to compensation. Ruling on Entitlement, filed December 11, 2013, at 2. On February 6, 2014, a decision awarding compensation to petitioner based on the parties’ stipulation was entered.

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this ruling 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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2012)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b).

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

On February 25, 2014, petitioner's counsel filed a motion requesting \$4,387.64 in attorneys' fees and costs. In accordance with General Order #9, petitioner's counsel represents that petitioner has incurred \$23.60 in out-of-pocket expenses in pursuing her petition. After petitioner's counsel's motion was filed, respondent's counsel contacted the court to note her lack of objection to the requested fees and costs.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner's motion, the undersigned GRANTS the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

A lump sum of \$4,387.64, in the form of a check jointly payable to petitioner and to Ms. Sherry K. Drew of the law firm of McDowell & Drew, Ltd.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** herewith.³

IT IS SO ORDERED.

s/ Nora Beth Dorsey
Nora Beth Dorsey
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.