

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

No. 13-1007V

(Filed: July 18, 2014)

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RAITHE PACE,

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UNPUBLISHED

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Petitioner,

*

Special Master Dorsey

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v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Attorneys' Fees and Costs;
Reasonable Amount Requested to
Which Respondent Does Not Object.

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Respondent.

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Maximillian J. Muller, Muller Brazil, LLP, Philadelphia, PA, for petitioner.

Traci Patton, United States Department of Justice, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On December 19, 2013, Raithe Pace (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program² alleging that she suffered a left shoulder injury that had been caused-in-fact by an influenza (“flu”) vaccine administered to her on September 24, 2011. Petition at 1. On June 3, 2014, a Ruling on Entitlement was issued based on respondent’s concession, and on June 27, 2014, a Decision awarding Damages was issued based on respondent’s proffer.

On July 17, 2014, the parties filed a Stipulation of Facts Concerning Attorneys’ Fees and

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 (2006)). 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 Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

Costs. According to the stipulation, the parties stipulate to an award to petitioners of attorneys' fees and costs in the amount of \$17,000.00. In accordance with General Order #9, petitioner's counsel represents that petitioner did not incur any personal litigation costs in pursuit of her Vaccine Act petition.

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 the parties' stipulation, the undersigned **GRANTS** the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

in the form of a check jointly payable to petitioner and to Mr. Maximillian Muller, of the law firm of Muller Brazil, LLP, in the amount of **\$17,000.00**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.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.