

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 14-54V

Filed: July 6, 2015

* * * * *		UNPUBLISHED
L.C.,	*	
	*	Special Master Hamilton-Fieldman
Petitioner,	*	
	*	Attorneys' Fees and Costs;
v.	*	Reasonable Amount Requested to
	*	which Respondent Does Not Object.
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
* * * * *		

Andrew Downing, Van Cott and Talamante, Phoenix, AZ, for Petitioner.  
Michael Milmo, United States Department of Justice, Washington, D.C., for Respondent.

### DECISION<sup>1</sup>

On January 24, 2014, L.C. (“Petitioner”) filed a petition pursuant to the National Vaccine Injury Compensation Program.<sup>2</sup> 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that an influenza (“flu”) vaccination administered to her on October 29, 2012 caused her to suffer from a shoulder injury (“SIRVA”). On June 17, 2015, the undersigned issued a decision awarding compensation to Petitioner.<sup>3</sup>

On June 26, 2015, the parties filed a Stipulation of Facts Concerning Attorneys’ Fees and Costs. Pursuant to their Stipulation, the parties have agreed to an award of \$25,000.00 in attorneys’ fees and costs. In accordance with General Order Number 9, Petitioner represents that she has not incurred any out-of-pocket litigation costs in pursuit of her claim.

<sup>1</sup> This Decision was originally filed on June 29, 2015. Petitioner subsequently requested, and was granted, a redaction of her name in the published version of the Decision. In the reissued Decision, Petitioner’s name is replaced with her initials. The remainder of the Decision is unchanged.

<sup>2</sup> 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 (2006) (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.

<sup>3</sup> A redacted version of the entitlement decision was made public on June 26, 2015.

The undersigned finds that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, the undersigned hereby awards the amount of \$9,750.00, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Andrew D. Downing, of the law firm of Van Cott & Talamante, PLLC. The undersigned also awards the amount of \$15,250.00, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Andrew D. Downing, of the law firm of Hennelly & Steadman, PLC.**

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.<sup>4</sup>

**IT IS SO ORDERED.**

s/ Lisa Hamilton-Fieldman  
Lisa Hamilton-Fieldman  
Special Master

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<sup>4</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.