

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-520V

Filed: August 17, 2015

UNPUBLISHED

A.E., a minor, by his parents,
CLARISSA GIBBS and
DERRICK EGGLESTON,

*
*
*

Special Master Hamilton-Fieldman

Petitioners,

*

Attorneys' Fees and Costs;

v.

*

Reasonable Amount Requested to

which Respondent Does Not Object.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*
*

Respondent.

*

Michael G. McLaren, Black, McLaren, Jones, Ryland & Griffee, P.C., Memphis, TN, for
Petitioners.

Darryl Wishard, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On June 19, 2014, Clarissa Gibbs and Derrick Eggleston (“Petitioners”) filed a petition for compensation on behalf of their son, A.E., under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 *et seq.* (2006) (“Vaccine Act”). Petitioners alleged that the administration of Haemophilus influenzae type B (“Hib”), Diphtheria Tetanus acellular Pertussis (“DTaP”), Rotavirus (“Rotateq”), Prevnar, Hepatitis B (“Hep B”), and Inactivated Polio (“IPV”) Vaccines on July 25, 2013 caused A.E. to suffer from physical impairments and intussusception (“IS”). On July 10, 2015, the undersigned issued a decision dismissing the petition.

On August 17, 2015, the parties filed a Stipulation of Facts Regarding Attorneys’ Fees and Costs. Pursuant to their Stipulation, the parties have agreed to an award of \$29,000.00 in

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims’ website, 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 and note (2006)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, the undersigned agrees that the identified material fits within the requirements of that provision, such material will be deleted from public access.

attorneys' fees and costs. In accordance with General Order Number 9, Petitioners represent that they have not personally incurred any costs in pursuit of their claim.

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 \$29,000.00, in the form of a check made payable jointly to Petitioners and Petitioners' counsel, Michael McLaren.**

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.²

IT IS SO ORDERED.

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

² Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.