

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

* * * * *

RAMONA MARY MESTAS, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

* * * * *

No. 14-800V

Special Master Christian J. Moran

Filed: October 1, 2015

Attorneys' fees and costs; award in the amount to which respondent does not object.

Stephen I. Leshner, P.C., Phoenix, AZ, for Petitioner;
Camille Collett, United States Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On September 4, 2015, respondent filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Petitioner submitted a draft final Application for Attorneys' Fees and Costs (Application) to respondent requesting a total of \$5,591.70, an amount to which respondent does not object. The Court awards this amount.

On September 2, 2014, Ramona Mary Mestas filed a petition for compensation alleging that influenza vaccine, which she received on August 31, 2011, caused her to develop Guillain-Barré syndrome ("GBS"). Petitioner received compensation based upon the parties' stipulation. Decision, filed

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 decision 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.

September 29, 2015. 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 **\$4,470.00** in attorneys' fees and **\$1,121.70** in attorneys' costs for her counsel. In compliance with General Order No. 9, petitioner's counsel herein attests that petitioner incurred out-of-pocket costs 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. A lump sum of \$5,991.70, in the form of a check made payable to petitioner and petitioner's attorney, Stephen Leshner, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- b. A lump sum of \$400.00, payable to petitioner, Ramona Mary Mestas, for costs she incurred in pursuit of her petition.**

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, Dan Hoffman, at (202) 357-6360.

IT IS SO ORDERED.

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