

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 14-1188V
(Not to be Published)

BRIAN DUKES,

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Petitioner,

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Filed: June 21, 2016

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v.

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Decision; Attorney's Fees and
Costs.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Nancy Routh Meyers, Ward Black Law, Greensboro, NC, for Petitioner.

Ann Donohue Martin, U.S. Dep't of Justice, Washington, DC, for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

On December 10, 2014, Brian Dukes filed a petition seeking compensation under the National Vaccine Injury Compensation.² ECF No. 1. Thereafter, on November 30, 2015, the parties filed a stipulation proposing an award of compensation. ECF No. 18. I subsequently issued a decision on December 1, 2015, concluding that the stipulation was reasonable and, therefore, adopting it as my decision awarding Petitioner damages. ECF No. 21.

Petitioner has now filed an unopposed motion for attorney's fees and costs, dated June 20, 2016. *See* ECF No. 27. Petitioner requests reimbursement of attorney's fees in the amount of

¹ Because this decision contains a reasoned explanation for my actions in this case, I will post it on the United States Court of Federal Claims website, in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 (2012). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the published decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen 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). Otherwise, the whole decision will be available to the public. *Id.*

² The National Vaccine Injury Compensation Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (codified as amended at 42 U.S.C. § 300aa-10 through 34 (2012)).

\$20,213.10, and costs in the amount of \$866.43. ECF No. 27. These amounts represent sums to which Respondent does not object. *Id.* In addition, and in compliance with General Order No. 9, Petitioner represents that he has not incurred any out-of-pocket, litigation-related expenses in conjunction with this proceeding. *Id.*

I approve the requested amounts for attorney's fees and costs as reasonable. Accordingly, an award of \$21,079.53 should be made in the form of a check payable jointly to Petitioner and Petitioner's counsel, Nancy Routh Meyers, Esq. Payment of this amount represents all attorney's fees and costs available under 42 U.S.C. § 300aa-15(e). 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 Petitioner's motion.³

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.