

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-1079V

Filed: June 16, 2016

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DIANE K JENKINS,

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UNPUBLISHED

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Petitioner,

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Special Master Gowen

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v.

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Attorneys' Fees and Costs.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Nancy R. Meyers, Ward Black Law, Greensboro, NC, for petitioner.

Lisa A. Watts, United States Department of Justice, Washington, DC, for respondent.

DECISION ON ATTORNEYS' FEES AND COSTS¹

On September 25, 2015, petitioner, Diane K. Jenkins, filed a petition pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-1 to -34 (2012). Petitioner alleged that as a result of receiving an influenza vaccination on September 25, 2012, she suffered small fiber neuropathy. See Petition at ¶ 7, filed Sept. 25, 2015. On May 20, 2016, petitioner filed a status report notifying the court “that she no longer wishe[d] to pursue her vaccine injury claim” Status Report, docket no. 15, filed May 20, 2016. Petitioner indicated that the parties will

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, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). 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 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 (2012) (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.

file a stipulation of dismissal voluntarily dismissing this claim. Id. The undersigned ordered the parties to file the stipulation, and file a motion for attorneys' fees and costs by June 20, 2016.

On June 15, 2016, petitioner filed an unopposed motion for attorneys' fees and costs. Petitioner requests a total of \$6,132.89 for attorneys' fees and costs. See Unopposed Motion for Fees and Costs at 1, filed June 15, 2016. "Respondent, through counsel, does not object to an award in that amount." Id. Pursuant to General Order #9, petitioner represents that she did not incur any out-of-pocket expenses related to this litigation. Id. at Exhibit A.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. See § 15(e)(1). Based on the reasonableness of petitioner's request, which respondent does not oppose, the undersigned **GRANTS** the request for approval and payment of attorneys' fees and costs in the amount of \$6,132.89, pursuant to 42 U.S.C. § 300aa-15(e).

An award should be made as follows:

- (1) in the form of a check jointly payable to petitioner and to petitioner's attorney, Nancy R. Meyers, of Ward Black Law, in the amount of \$6,132.89.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of the Court **SHALL ENTER JUDGMENT** in accordance herewith.³

IT IS SO ORDERED.

s/ Thomas L. Gowen
Thomas L. Gowen
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.