

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-1500V

Filed: August 2, 2016

UNPUBLISHED

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DANIEL DOHERTY,

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Petitioner,

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v.

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

\*

Attorneys' Fees and Costs;  
Special Processing Unit ("SPU")

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Respondent.

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*Amber Diane Wilson, Maglio Christopher and Toale, PA, Washington, DC, for petitioner.  
Lara Ann Englund, U.S. Department of Justice, Washington, DC, for respondent.*

### **DECISION ON ATTORNEYS' FEES AND COSTS<sup>1</sup>**

**Dorsey**, Chief Special Master:

On December 11, 2015, Daniel Doherty ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the "Vaccine Act"). Petitioner alleged that he suffered from Guillain-Barre syndrome ("GBS") as a result of an influenza ("flu") vaccine he received on December 16, 2014. Petition at 1-3. On May 12, 2016, the undersigned issued a decision awarding compensation to petitioner based on the parties' stipulation. (ECF No. 21).

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On August 2, 2016, petitioner filed an unopposed motion for attorneys' fees and costs. (ECF No. 26).<sup>3</sup> Petitioner requests attorneys' fees and costs in the amount of \$15,930.95. *Id.* at 1. In compliance with General Order #9, petitioner has filed a signed statement indicating petitioner incurred \$5.75, in out-of-pocket expenses.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. § 15(e). Based on the reasonableness of petitioner's request and the lack of opposition from respondent, the undersigned **GRANTS** petitioner's motion for attorneys' fees and costs.

**Accordingly, the undersigned awards the following:**

- **A lump sum of \$15,930.95, representing reimbursement for attorneys' fees and costs, in the form of a check payable jointly to petitioner and petitioner's counsel, Amber Wilson, Esq.; and**
- **A lump sum of \$5.75, representing reimbursement for petitioner's costs, in the form of a check payable to petitioner.**

The clerk of the court shall enter judgment in accordance herewith.<sup>4</sup>

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Chief Special Master

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<sup>3</sup> In the motion, petitioner states that respondent has no objection to petitioner's request.

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