

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: July 29, 2024

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JENNA INTROINI,
Personal Representative of the Estate of
ROBERT INTROINI, deceased,

Petitioner,

V.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

UNPUBLISHED

No. 20-176V

Special Master Dorsey

Attorneys' Fees and Costs.

Ronald Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.

Felicia Langel, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On February 20, 2020, Jenna Introini (“Petitioner”), as personal representative of the estate of Robert Introini (“Mr. Introini”), deceased,² filed a petition in the National Vaccine Injury Program³ alleging that Mr. Introini developed transverse myelitis (“TM”) as the result of a

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims' website and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc> in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the Internet.** 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.

² Mr. Introini passed away while this matter was pending.

³ 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-10 to -34 (2018) (“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.

tetanus-diphtheria-acellular pertussis (“Tdap”) vaccination administered on February 24, 2017. Amended (“Am.”) Petition at 1 (ECF No. 42). On October 19, 2022, the undersigned issued a ruling finding Petitioner entitled to compensation. Ruling on Entitlement dated Oct. 19, 2022 (ECF No. 74). On August 28, 2023, the undersigned issued a Decision Awarding Damages Based on Proffer, awarding Petitioner compensation. Decision Awarding Damages Based on Proffer dated Aug. 28, 2023 (ECF No. 101).

On March 6, 2024, Petitioner filed an application for attorneys’ fees and costs. Petitioner’s Application for Attorneys’ Fees and Costs (“Pet. Mot.”), filed Mar. 6, 2024 (ECF No. 106). Petitioner requests compensation in the amount of \$59,217.54, representing \$47,174.90 in attorneys’ fees, \$2,905.44 in attorneys’ costs, and \$9,137.20 in Petitioner’s costs. Id. at 1-2. Respondent filed a response on March 10, 2024, stating he “is satisfied the statutory requirements for an award of attorneys’ fees and costs are met in this case.” Respondent’s Response to Pet. Mot., filed Mar. 10, 2024 (ECF No. 108). The matter is now ripe for disposition.

Petitioner requests the following hourly rates for the work of her counsel: for Ms. Christina Ciampolilo, \$380.00 per hour for work performed in 2020 and \$425.00 per hour for work performed in 2022; for Ms. Meredith Daniels, \$350.00 per hour for work performed in 2020 and 2021, \$410.00 per hour for work performed in 2022, and \$455.00 per hour for work performed in 2023 and 2024; for Mr. Ronald Homer, \$447.00 per hour for work performed in 2020 and 2021, \$475.00 per hour for work performed in 2022, and \$500.00 per hour for work performed in 2023; for Mr. Patrick Kelly, \$225.00 per hour for work performed in 2020 and 2021 and \$305.00 per hour for work performed in 2023; for Mr. Nathaniel Enos, \$230.00 per hour for work performed in 2021 and \$320.00 per hour for work performed in 2023 and 2024; and for Mr. Joseph Pepper, \$355.00 per hour for work performed in 2020, \$415.00 per hour for work performed in 2022, and \$455.00 per hour for work performed in 2023. Petitioner also requests rates between \$145.00 and \$185.00 for work of her counsel’s paralegals performed from 2019 to 2024.

The undersigned finds the rates are consistent with what counsel have previously been awarded for their Vaccine Program work, and finds them to be reasonable herein. The undersigned has reviewed the submitted billing entries and finds the total number of hours billed to be reasonable and will award them in full. Lastly, the undersigned has reviewed the requested costs and finds them to be reasonable and supported with appropriate documentation. Accordingly, the full amount of costs shall be awarded.

Therefore, the undersigned finds no cause to reduce the requested hours or rates, or the requested costs.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. § 15(e). Based on the reasonableness of Petitioner’s request, the undersigned **GRANTS** Petitioner’s motion for attorneys’ fees and costs.

Accordingly, the undersigned awards:

- (1) A lump sum in the amount of \$50,080.34, representing reimbursement for reasonable attorneys' fees and costs, in the form of a check payable jointly to Petitioner and Petitioner's counsel of record, Mr. Ronald Homer.**
- (2) A lump sum in the amount of \$9,137.20 in the form of a check payable to Petitioner.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with this Decision.⁴

IT IS SO ORDERED.

/s/ Nora Beth Dorsey
Nora Beth Dorsey
Special Master

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.