

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: July 29, 2024

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J.G.,

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UNPUBLISHED

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Petitioner,

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No. 20-664V

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V.

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Special Master Dorsey

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SECRETARY OF HEALTH

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Attorneys' Fees and Costs.

*

AND HUMAN SERVICES,

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Respondent.

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Anne Carrion Toale, Maglio Christopher and Toale, Sarasota, FL, for Petitioner.

Julia Marter Collison, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On June 1, 2020, J.G. (“Petitioner”) filed a petition in the National Vaccine Injury Program² alleging that he suffered Guillain-Barré Syndrome (“GBS”) as the result of a hepatitis A vaccination administered on April 19, 2018. Petition at 1-5 (ECF No. 1). On February 13, 2023, the undersigned issued a Ruling on Entitlement, finding that Petitioner was entitled to compensation. Ruling on Entitlement dated Feb. 13, 2023 (ECF No. 67). The undersigned issued a Decision Awarding Damages on January 8, 2024. Decision Awarding Damages dated Jan. 8, 2024 (ECF No. 86).

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims'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 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.

On February 29, 2024, Petitioner filed an application for attorneys' fees and costs. Petitioner's Motion for Payment of Petitioner's Attorneys' Fees and Reimbursement of Case Costs ("Pet. Mot."), filed Feb. 29, 2024 (ECF No. 95). Petitioner requests compensation in the amount of \$17,819.75,³ representing \$17,709.00 in attorneys' fees and \$110.75 in costs. *Id.* at 1. Pursuant to General Order No. 9, Petitioner warrants that he has not personally incurred any costs in pursuit of his claim for compensation. Pet. Mot., Exhibit ("Ex.") 30. Respondent filed his response on March 4, 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. ("Resp. Response"), filed Mar. 4, 2024, at 2 (ECF No. 96). Petitioner filed a reply on March 11, 2024, reiterating his request for attorneys' fees and costs. Pet. Reply to Resp. Response, filed Mar. 11, 2024 (ECF No. 97). The matter is now ripe for disposition.

Petitioner requests the following hourly rates for the work of his counsel: for Ms. Anne Toale, \$500.00 per hour for work performed in 2022, \$535.00 per hour for work performed in 2023, and \$570.00 per hour for work performed in 2024. Petitioner also requests rates between \$160.00 and \$190.00 for work of his counsel's paralegals performed from 2022 to 2024.

The undersigned finds the rates are consistent with what counsel has previously been awarded for her 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:

A lump sum in the amount of \$17,819.75, representing reimbursement for reasonable attorneys' fees and costs, in the form of a check payable jointly to Petitioner and Petitioner's counsel of record, mctlaw, 1515 Ringling Blvd., Suite 700, Sarasota, Florida 34236.

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

³ Petitioner's motion requested the incorrect amount.

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.

IT IS SO ORDERED.

/s/ Nora Beth Dorsey

Nora Beth Dorsey
Special Master