

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 20-0807V

JASON MILLETT, Administrator of
ESTATE OF SHIRLEY A. MILLETT,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: May 21, 2024

Bobbie L. Flynt, Crandall & Pera Law, LLC, Chagrin Falls, OH, for Petitioner.

Nina Ren, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON ATTORNEY'S FEES AND COSTS¹

On July 2, 2020, Shirley A. Millett filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act"). Following her death, Jason Millett, administrator of Ms. Millett's estate, was substituted as the petitioner. ECF No. 43. Petitioner alleged that that Ms. Millett suffered injuries, including Guillain Barre Syndrome resulting from an influenza vaccine received on October 16, 2018. Petition, ECF No. 1. On January 8, 2024, I issued a

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted 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, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

decision awarding compensation to Petitioner based on the parties' stipulation. ECF No. 51.

Petitioner has now filed a motion for attorney's fees and costs, requesting an award of \$59,442.85 (representing \$58,150.25 in fees plus \$1,292.60 in costs). Petitioner's Application for Fees and Costs ("Motion") filed Feb. 15, 2024, ECF No. 57. Furthermore, counsel for Petitioner represents that Petitioner incurred no personal out-of-pocket expenses. *Id.* at 1.

Respondent reacted to the motion on February 15, 2024, reporting that he is satisfied that the statutory requirements for an award of attorney's fees and costs are met in this case, but deferring resolution of the amount to be awarded to my discretion. Respondent's Response to Motion at 2-3, ECF No. 58. Petitioner filed a reply reiterating the request for fees and costs as indicated in the Motion. ECF No. 59.

The rates requested for work performed through the end of 2023 are reasonable and consistent with our prior determinations, and will therefore be adopted. Petitioner has also requested the same 2023 hourly rate of \$500 for work performed in 2024 by attorney Bobbie L. Flynt. Motion at 12. I find this hourly rates to be reasonable and will award the attorney's fees requested. Furthermore, Petitioner has provided supporting documentation for all claimed costs. ECF 57-3. Respondent offered no specific objection to the rates or amounts sought.

The Vaccine Act permits an award of reasonable attorney's fees and costs for successful claimants. Section 15(e). Accordingly, I hereby GRANT Petitioner's Motion for attorney's fees and costs. I award a total of **\$ 59,442.85 (representing \$58,150.25 in fees plus \$1,292.60 in costs) as a lump sum in the form of a check jointly payable to Petitioner and Petitioner's counsel. Per Petitioner's request, the check is to be made payable to Crandall Law, LLC.** In the absence of a timely-filed motion for review (see Appendix B to the Rules of the Court), the Clerk of Court shall enter judgment in accordance with this Decision.³

IT IS SO ORDERED.

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

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