

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 20-1303V

DONNA BATTAGLIA,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 29, 2026

Robin J. Marzella, R.J. Marzella & Associates, P.C., Harrisburg, PA, for Petitioner.

Meghan Murphy, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON ATTORNEY'S FEES AND COSTS¹

On October 1, 2020, Donna Battaglia filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act"). Petitioner alleged that she suffered a shoulder injury related to vaccine administration as a result of an influenza vaccine that was administered on October 3, 2017. Petition, ECF No. 1. On February 13, 2025, I issued a decision awarding compensation to Petitioner based on the parties' stipulation. ECF No. 57.

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).

Petitioner has now filed a motion for attorney's fees and costs, requesting an award of \$29,668.66 (representing \$28,910.00 in fees, plus \$758.66 in costs). Petitioner's Application for Fees and Costs ("Motion") filed July 8, 2025, ECF No. 62. Furthermore, counsel for Petitioner represents that Petitioner incurred no personal out-of-pocket expenses. *Id.* at 27.

Respondent reacted to the motion on July 21, 2025, reporting that he is satisfied that the statutory requirements for an award of 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. 63. Petitioner filed no reply thereafter.

I have reviewed the billing records submitted with Petitioner's request. The hourly rates requested by Robin Marzella, Charles Marsar and their supporting paralegals are consistent with our prior determinations and shall be awarded. For work performed by attorney Bob Cunningham, Petitioner requests \$225.00 for 2023-24 and \$325.00 for 2025. Mr. Cunningham was barred in the state of Pennsylvania in 2021 and is admitted to this Court. ECF No. 62 at 6. I find these rates to be reasonable and hereby award them in full. And all time billed to the matter was reasonably incurred.

I have also reviewed the requested costs but find that Petitioner's counsel did not substantiate some of the costs with the required supporting documentation, such as an invoice or proof of payment. See ECF No. 62 at 24-27. I will nevertheless reimburse the requested costs in full, since the overall amount sought is not particularly large. But Petitioner's counsel should note that any future request for costs may result in a curtailed (or denied) award for failure to include the required supporting documentation. See Guidelines for Practice Under the National Vaccine Injury Compensation Program at 75-78 (emphasis added).³

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 **\$29,668.66 (representing \$28,910.00 in fees, plus \$758.66 in costs) to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement.**

³ The guidelines for Practice Under the National Vaccine Injury Compensation Program can be found at: <https://www.uscfc.uscourts.gov/guidelines-practice-under-national-vaccine-injury-compensation-program>

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.⁴

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

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