

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-0017V

(not to be published)

MIRNA LATORRE,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 6, 2023

Special Processing Unit (SPU);
Attorney's Fees and Costs

Bruce William Slane, Law Office of Bruce W. Slane, P.C., White Plains, NY, for Petitioner.

Amanda Pasciuto, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON ATTORNEY'S FEES AND COSTS¹

On January 4, 2021, Mirna Latorre 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 alleges that she suffered a shoulder injury related to vaccine administration as a result of an influenza vaccination she received on October 23, 2019. Petition at 1. On December 15, 2022, I issued a decision awarding compensation to Petitioner based on the parties' stipulation. ECF No. 40.

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 \$20,037.53 (representing \$19,154.70 in attorney's fees and \$882.83 for attorney's costs). Petitioner's Application for Attorneys' Fees and Costs ("Motion"), filed Apr. 26, 2023, ECF No. 45. In accordance with General Order No. 9, Petitioner filed a signed statement indicating that she incurred no out-of-pocket expenses. ECF No. 45-3.

Respondent reacted to the motion on Apr. 27, 2023, indicating 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, 3 n.2, ECF No. 46. Petitioner did not file a reply thereafter.

Petitioner also requests hourly rates for attorneys of the Law Office of Bruce W. Slane, P.C., performing work in this matter as follows:

	2020	2021	2022	2023
Bruce W. Slane	\$365	\$375	\$400	\$425
Jeremy Barberi	\$300	\$335	\$345	\$375

The rates requested for Mr. Slane and Mr. Barberi are reasonable and shall therefore be adopted. Petitioner has also requested the hourly rate of \$182 for 2023 work performed by paralegal Maxwell Hawkins. *Id.* at 2. I find this hourly rate to be reasonable, and will award the attorney's fees requested. (And all time billed to the matter was also reasonably incurred). Furthermore, Petitioner has provided supporting documentation for all claimed costs. Attachment to Motion at 22-43. 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 Accordingly, I hereby GRANT Petitioner's Motion for attorney's fees and costs. I award a total of **\$20,037.53 (representing \$19,154.70 in attorney's fees and \$882.83 in costs) as a lump sum in the form of a check jointly payable to Petitioner and Petitioner's counsel, Bruce W. Slane.**

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

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.

IT IS SO ORDERED.

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