

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-0697V

ERIN BRIGGS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 12, 2024

Katrina Sandifer Brown, Brown Bass & Jeter, PLLC, Jackson, MS, for Petitioner.

Alexa Roggenkamp, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON ATTORNEY'S FEES AND COSTS¹

On January 12, 2021, Erin Briggs 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 resulting from a tetanus diphtheria acellular pertussis vaccine received on April 29, 2020. Petition, ECF No. 1. On January 5, 2024, I issued a decision awarding compensation to Petitioner based on the parties’ stipulation. ECF No. 43.

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 \$19,667.15 (representing \$19,048.60 in fees plus \$618.55 in costs). Application for Fees and Costs ("Motion") filed March 1, 2024, ECF No. 48. Furthermore, Petitioner filed a signed statement representing that Petitioner incurred no personal out-of-pocket expenses. ECF No. 48-3.

Respondent reacted to the motion on Mar. 4, 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. 49. Petitioner did not file a reply thereafter.

The hourly rates requested for paralegal work performed in this matter between 2020-24, are reasonable and shall therefore be awarded herein. Petitioner has also requested the following hourly rates for attorney Katrina S. Brown: \$375 per hour for 2020; \$385 per hour for 2021; \$395 per hour for 2022; \$405 per hour for 2023; and \$415 per hour for 2024. Ms. Brown has been a practicing attorney since 2006 (ECF No. 48-4 at 1), placing her in the range of attorneys with 11 - 19 years' experience based on the OSM Attorneys' Fees Schedules.³ I incorporate by reference all of the explanatory notes contained in these rate schedules. I find the requested rates 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. ECF No. 48-2. 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 **\$19,667.15 (representing \$19,048.60 in fees plus \$618.55 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 forwarded to Brown Bass & Jeter, PLLC, Post Office Box 22969, Jackson, MS 39225.**

³ The Vaccine Program's Attorney's Forum Hourly Rate Fee Schedules are available on the U.S. Court of Federal Claims website: <http://www.cofc.uscourts.gov/node/2914>.

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.