

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**

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MICHAEL T. and JILLIAN A. SHIFFLETT, \*  
parents and natural guardians of \*  
ABIGAIL SHIFFLETT, a minor, \*

Petitioners,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\*\*\*\*\*

No. 09-745V  
Special Master Christian J. Moran  
\*  
Filed: December 31, 2014  
\*  
Attorneys' fees and costs; award  
in the amount to which  
respondent does not object.

Ramon Rodriguez, III, Rawls, McNelis & Mitchell, P.C., for Petitioner;  
Glenn A. Macleod, U.S. Dep't of Justice, Washington, DC, for Respondent.

**UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>**

On December 30, 2014, respondent filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioners informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioners' application, respondent raised objections to certain items. Based on subsequent discussions, petitioners amended their application to request \$60,000.00, an amount to which respondent does not object. The Court awards this amount.

On October 30, 2009, Michael T. and Jillian A. Shifflett filed a petition for compensation on behalf of their daughter, Abigail Shifflett, alleging that the influenza

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

("flu") vaccine, which Abigail received on November 9, 2006, caused her to suffer mononeuropathy of the 6<sup>th</sup> cranial nerve and esotropia. Petitioners received compensation based upon the parties' stipulation. Decision, filed Apr. 30, 2014. Because petitioners received compensation, they are entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioners seek a total of **\$57,313.20** in attorneys' fees and costs for their counsel. Additionally, in compliance with General Order No. 9, petitioners state that they incurred **\$2,686.80** in out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

- a. A lump sum of \$57,313.20 in the form of a check made payable to petitioners and petitioners' attorney, Ramon Rodriguez, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- b. A lump sum of \$2,686.80, payable to petitioners, Michael T. Shifflett and Jillian A. Shifflett, for costs they incurred in pursuit of their petition.**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master