

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-636V

Filed: September 16, 2014

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LINDA WATKINS

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

UNPUBLISHED

Special Master Gowen

Attorneys' Fees and Costs;
Reasonable Amount Requested to
which Respondent Does Not Object.

Christopher T. Castro, Lafayette, LA, for petitioner.

Lisa A. Watts, United States Department of Justice, Washington, DC, for respondent.

DECISION ON ATTORNEYS' FEES AND COSTS¹

On September 22, 2010, Linda Watkins ("petitioner") filed a petition pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that she suffered from anaphylaxis or anaphylactic shock, injuries to her respiratory tract and esophagus, and brachial neuritis as a result of receiving a pneumococcal vaccine, a tetanus diphtheria vaccine, and an influenza vaccine on October 1, 2007. Petition at 1. On August 25, 2014, a decision was entered awarding compensation based on the parties' stipulation.

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

On September 16, 2014, the parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs. According to the stipulation, the parties stipulate to a total award to petitioner of attorneys' fees and costs in the amount of \$50,707.41. In accordance with General Order #9, petitioner's counsel filed a statement on September 16, 2014 representing that petitioner did not personally incur any fees or costs related to the prosecution of this case. See Petitioner's General Order Number 9 Statement, dated Sept. 16, 2014, at 1. The parties stipulate that the total award of \$50,707.41 includes petitioner's attorneys' fees in the amount of \$26,250.00 and attorneys' costs in the amount of \$24,457.41. See J. Status Rep., filed Sept. 16, 2014.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of the parties' stipulation, the undersigned GRANTS the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

- (1) in the form of a check jointly payable to petitioner and to petitioner's attorney, Christopher T. Castro, of Galloway Jefcoat LLP, in the amount of \$50,707.41.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.

IT IS SO ORDERED.

s/ Thomas L. Gowen
Thomas L. Gowen
Special Master