

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-819V

(Filed: September 24, 2014)

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LISA ANN HAMBLETON,

*

UNPUBLISHED

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Petitioner,

*

Special Master Hamilton-Fieldman

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v.

*

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Attorneys' Fees and Costs;

*

Reasonable Amount Requested to

*

Which Respondent Does Not Object.

*

Respondent.

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Kevin A. Mack, The Law Offices of Kevin A. Mack, LLC, Tiffin, OH, for Petitioner.

Lindsay Corliss, United States Department of Justice, Washington, DC, for Respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On October 21, 2013, Lisa Ann Hambleton ("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 rheumatoid arthritis ("RA") as a result of an influenza ("flu") vaccine administered to her on October 20, 2010.³ On September 23, 2014, a decision

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.

³ Petitioner initially alleged that she had been injured by an H1N1 influenza vaccine she received on October 19, 2010. Petition at 1. She subsequently filed a contemporaneous vaccine record reflecting that she had in fact received a seasonal influenza vaccine, and that it had been

awarding damages was issued based on the parties' stipulation.

On September 24, 2014, the parties filed a Stipulation of Facts Concerning Final Attorneys' Fees and Costs. According to the stipulation, the parties stipulate to an award to Petitioners of attorneys' fees and costs in the amount of \$6,526.39. In accordance with General Order #9, Petitioner's counsel represents that Petitioner did not incur any personal litigation costs in pursuit of her Vaccine Act petition.

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:

in the form of a check jointly payable to Petitioner and to Mr. Kevin A. Mack, of The Law Offices of Kevin A. Mack, LLC, in the amount of **\$6,526.39**.

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.⁴

IT IS SO ORDERED.

s/ Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master

administered on October 20, 2010. Petitioner's Exhibit 31 at 1.

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