

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 13-866V

Filed: October 21, 2015

* * * * *		UNPUBLISHED
KENDY SUE WILSON,	*	
	*	Chief Special Master Dorsey
Petitioner,	*	
	*	Attorneys' Fees and Costs;
v.	*	Reasonable Amount Requested to
	*	which Respondent Does not Object
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
	*	
* * * * *		

Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for petitioner.  
Lisa A. Watts, United States Department of Justice, Washington, DC, for respondent.

### **DECISION ON ATTORNEYS' FEES AND COSTS<sup>1</sup>**

On November 1, 2013, Kendy Sue Wilson (“petitioner”) filed a petition pursuant to the National Vaccine Injury Compensation Program.<sup>2</sup> 42 U.S.C. §§ 300aa-1 to -34 (2012). Petitioner alleged that as a result of an influenza (“flu”) vaccine administered to her on January 29, 2011, she suffered sensorineural hearing loss (“SNHL”) and tinnitus. Petition at Preamble, ¶¶ 8, 11. On September 28, 2015, the parties filed a joint stipulation for dismissal, moving for a decision dismissing the case, and a Decision dismissing the case in accordance with the parties’ stipulation for dismissal was issued September 28, 2015. Judgment was entered October 19, 2015.

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<sup>1</sup> 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).

<sup>2</sup> 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 (2012) (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 October 20, 2015, the parties filed a Stipulation of Fact Regarding Final Attorneys' Fees and Costs. The parties stipulate to a total award of attorneys' fees and costs of \$34,796.25. Stip. of Fact ¶ 2. Pursuant to General Order #9, petitioner's counsel states that petitioner did not advance any reimbursable costs in pursuit of this claim. Id. at ¶ 3.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). Based on the reasonableness of petitioner's request and the lack of any objection by respondent, the undersigned **GRANTS** the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

**A lump sum of \$34,796.25 in the form of a check payable jointly to petitioner and petitioner's counsel at Muller Brazil, LLP.**

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.<sup>3</sup>

**IT IS SO ORDERED.**

**s/ Nora Beth Dorsey**  
Nora Beth Dorsey  
Chief Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.