

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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JODI K. HUPE, mother and
next friend of B.A.H., a minor,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

No. 14-448V

Special Master Christian J. Moran

Filed: January 8, 2016

Attorney's fees and costs; award in
the amount to which respondent does
not object.

Theodore G. Pashos, Esq., Niedner, Bodeux, Carmichael, Huff, Lenox and Pashos,
L.L.P., St. Charles, MO, for Petitioner;
Amy Kokot, United States Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On January 6, 2016, petitioner filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioner informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended her application to request \$25,000.00 for attorneys' fees and costs incurred by petitioner's counsel, an amounts to which respondent does not object. The Court awards this amount.

On May 27, 2014, Jodi K. Hupe, mother and next friend of B.A.H., filed a petition for compensation, alleging that the Gardasil vaccination, which she received on June 1, 2011, caused B.A.H. to lose consciousness and fall, suffering

¹ 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.

injuries to her jaw and face. Petitioner received compensation based upon the parties' proffer. Decision, issued July 9, 2015. Because petitioner received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$25,000.00** in attorneys' fees and costs. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

A lump sum of \$25,000.00, in the form of a check made payable to petitioner and petitioner's attorney, Theodore G. Pashos, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).

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, Dan Hoffman, at (202) 357-6360.

IT IS SO ORDERED.

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

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

JODI K. HUPE, Mother and Next Friend of)
B.A.H., a Minor,)

Petitioner,)

v.)

SECRETARY OF HEALTH AND)
HUMAN SERVICES,)

Respondent.)

No. 14-448V (ECF)
Special Master Moran

STIPULATION OF FACT CONCERNING FINAL ATTORNEYS' FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. Theodore G. Pashos, Esq., of the law firm Niedner, Bodeux, Carmichael, Huff, Lenox, and Pashos, L.L.P., is the attorney of record for petitioner in this matter.
2. Petitioner informally submitted an amended Application for Attorneys' Fees and Costs ("Application") to respondent on or about December 30, 2015.
3. During informal discussions, respondent raised certain objections to petitioner's Application. Based on these discussions, petitioner has amended her request for attorneys' fees and costs in this matter to request reimbursement for attorneys' fees and costs in the amount of \$25,000.00.
4. Respondent does not object to the amended request.
5. Pursuant to General Order #9, petitioner represents that she has not incurred any personal litigation costs in pursuit of this claim.
6. The parties now request that a decision awarding the attorneys' fees and costs described in paragraph 3 of this Stipulation be issued, directing payment in the form a check for \$25,000.00 made payable jointly to petitioner and petitioner's counsel.
7. Nothing in this Stipulation, including the amount set forth in paragraphs 3 and 6, should be construed as an admission, concession, or waiver by either party as to any of the matters raised by petitioner's request for attorneys' fees and costs, including

but not limited to the hourly rates requested, the number of hours requested, and other litigation-related costs.

Respectfully submitted,

Dated: January 6, 2016

By: s/Theodore G. Pashos by s/APK
THEODORE G. PASHOS
Attorney for Petitioner
Niedner, Bodeux, Carmichael, Huff,
Lenox, and Pashos, L.L.P.
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Dated: January 6, 2016

By: s/Amy P. Kokot
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