

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 14-488V

Filed: October 13, 2015

|                     |   |                           |
|---------------------|---|---------------------------|
| * * * * *           |   | UNPUBLISHED               |
| LAURA RIGGS,        | * |                           |
|                     | * |                           |
| Petitioner,         | * | Special Master Gowen      |
|                     | * |                           |
| v.                  | * |                           |
|                     | * |                           |
| SECRETARY OF HEALTH | * | Stipulation;              |
| AND HUMAN SERVICES, | * | Attorneys' Fees and Costs |
|                     | * |                           |
| Respondent.         | * |                           |
|                     | * |                           |
| * * * * *           |   |                           |

Erin A. Juzapavicus, Milam Howard Nicandri Dees & Gillam, P.A., Jacksonville, FL, for petitioner.

Julia W. McInerney, United States Department of Justice, Washington, DC, for respondent.

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

On June 6, 2014, Laura Riggs ("petitioner") filed a petition pursuant to the National Vaccine Injury Compensation Program.<sup>2</sup> 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that as a result of receiving an influenza ("flu") vaccine on January 16, 2013, she suffered Rotator Cuff Tendinopathy. Petition at Preamble. Further, petitioner alleged that she experienced residual effects of his injury for more than six months. *Id.* at ¶ 25. A Decision was issued on March 25, 2015, awarding compensation pursuant to the parties' stipulation filed March 24, 2015. Judgment was entered March 27, 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 (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 October 9, 2015, the parties filed a Stipulation concerning attorneys' fees and costs. The parties stipulate to an award of \$11,867.67 in attorneys' fees and costs. Stip. of Fact ¶ 3. Pursuant to General Order #9, petitioner's counsel also represented that petitioner had not incurred any reimbursable out-of-pocket expenses in this matter. Id. at ¶ 4.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-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, I hereby award:**

**(1) A lump sum of \$11,867.67 in the form of a check payable jointly to petitioner and petitioner's counsel of record, Erin A. Juzapavicus, for petitioner's attorneys' fees and costs.**

The clerk of the court shall enter judgment in accordance herewith.<sup>3</sup>

**IT IS SO ORDERED.**

**s/ Thomas L. Gowen**

Thomas L. Gowen  
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.