

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-545V

Filed: October 26, 2016

BRENDA WIECKHORST and MICHAEL *
WIECKHORST, on behalf of M.P.W., a *
minor child, *

UNPUBLISHED

Petitioners, *

Special Master Hamilton-Fieldman

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

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

Respondent. *

Danielle A. Strait, Maglio, Christopher & Toale, Washington, D.C., for Petitioners.

Ryan D. Pyles, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On June 25, 2014, Brenda Wieckhorst and Michael Wieckhorst ("Petitioners") petitioned for compensation on behalf of their minor child, M.P.W., under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (2012). Petitioners alleged that the administration of a trivalent influenza ("flu") vaccine on October 4, 2011 caused M.P.W. to develop acute demyelinating inflammatory polyneuropathy. On June 20, 2016, the parties filed a stipulation on an award of compensation to Petitioners. A decision adopting the parties'

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 purposes espoused in the E-Government Act of 2002. See 44 U.S.C. § 3501 (2012). 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).

stipulation was filed on that same day.

On October 25, 2016, Petitioners filed an unopposed application for attorneys' fees and costs. Petitioners requested compensation in the amount of \$46,796.47 for attorneys' fees and costs, of which none were personally incurred by Petitioners. Petitioner's Application at 2, filed Oct. 25, 2016. Petitioners also requested attorneys' fees and costs in the amount of \$1,199.00 related to the establishment of a conservatorship for M.P.W.'s vaccine injury award. *Id.* Respondent does not object to the payment of Petitioners' attorneys' fees and costs. *Id.*

In accordance with the Vaccine Act, 42 U.S.C. § 300aa-15(e) (2012), the undersigned finds that Petitioners' request for fees and costs is reasonable. **Accordingly, the undersigned hereby awards the amount of \$46,796.47, in the form of a check made payable jointly to Petitioners and Petitioners' counsel, Danielle A. Strait, of Maglio Christopher & Toale; and awards the amount of \$1,199.00, in the form of a check made payable jointly to Petitioners and Petitioners' counsel, Kelly Werts, of Fankhauser, Nelsen, Werts, Ziskey & Merwin P.C.** In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court shall enter judgment in accordance herewith.²

IT IS SO ORDERED.

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

² Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. Vaccine Rule 11(a).