

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-849V

Filed: April 24, 2015

MARY H. DAHL,

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Petitioner,

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Attorney Fees and Costs;

v.

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Stipulation

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Milton Clay Ragsdale, IV, Ragsdale LLC, Birmingham, AL, for petitioner.

Heather Lynn Pearlman, United States Department of Justice, Washington, DC, for respondent.

DECISION ON ATTORNEY FEES AND COSTS¹

Vowell, Special Master:

On September 15, 2014, Mary Dahl (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² [the “Vaccine Act” or “Program”]. Petitioner alleged that, as a result of receiving an influenza vaccine on November 23, 2012, she suffered a shoulder injury the residual effects of which lasted more than six months. (See Petition at 1-2 (ECF No. 1).) On April 22, 2015, I issued a decision awarding compensation to petitioner based on a proffer filed by respondent.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, it will be posted on the United States Court of Federal Claims’ website, in accordance with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)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

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).

On April 24, 2015, the parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs. (ECF No. 23.) According to the stipulation, the parties agree upon a total award of attorneys' fees and costs to petitioner in the amount of \$21,581.81. (*Id.*) In accordance with General Order #9, petitioner's counsel represents that petitioner incurred no out-of-pocket expenses. (*Id.*)

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). I find the proposed amount to be reasonable.

Accordingly, I award the total \$21,581.81³ as a lump sum in the form of a check jointly payable to petitioner and petitioner's counsel M. Clay Ragsdale.

The clerk of the court shall enter judgment in accordance herewith.⁴

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Special Master

³ This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See *generally Beck v. Sec'y HHS*, 924 F.2d 1029 (Fed. Cir.1991).

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.