

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 14-0968V

Filed: March 22, 2016

UNPUBLISHED

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PAULA NILSEN,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Attorneys' Fees and Costs;  
Special Processing Unit ("SPU")

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Danielle A. Strait, Maglio Christopher & Toale, PA, Washington, DC, for petitioner.  
Debra A. Filteau Begley, U.S. Department of Justice, Washington, DC for respondent.

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

**Dorsey**, Chief Special Master:

On October 8, 2014, Paula Nilsen ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq.<sup>2</sup> (the "Vaccine Act" or "Program"). Petitioner alleges that she suffered a shoulder injury which was caused by a tetanus diphtheria ("Td") vaccine she received on March 14, 2013. Petition at 1. On October 6, 2015, the undersigned issued a decision awarding compensation to petitioner based on respondent's proffer to which petitioner agreed. (ECF No. 35).

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). 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, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On March 21, 2016, petitioner filed an unopposed motion for attorneys' fees and costs. Motion at ECF No. 43.<sup>3</sup> Petitioner requests attorneys' fees and costs in the amount of \$20,000.00, and petitioner's out-of-pocket costs in the amount of \$14.00 for a total amount of \$20,014.00. *Id.* at ¶ 6. In compliance with General Order #9, petitioner has filed a signed statement indicating petitioner incurred \$14.00 in out-of-pocket expenses.<sup>4</sup> Statement, filed Mar. 21, 2016 (ECF No. 44).

The Vaccine Act permits an award of reasonable attorneys' fees and costs. § 15(e). Based on the reasonableness of petitioner's request and the lack of opposition from respondent, the undersigned **GRANTS** petitioner's motion for attorneys' fees and costs.

**Accordingly, the undersigned awards the total of \$20,014.00<sup>5</sup> as follows:**

- **A lump sum of \$20,000.00, representing reimbursement for attorneys' fees and costs, in the form of a check payable jointly to petitioner and petitioner's counsel, Danielle A. Strait; and**
- **A lump sum of \$14.00, representing reimbursement for petitioner's costs, in the form of a check payable to petitioner.**

The clerk of the court shall enter judgment in accordance herewith.<sup>6</sup>

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master

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<sup>3</sup> The motion is titled and filed as unopposed. Additionally, in the motion, petitioner states that respondent has no objection to petitioner's request. Motion at ¶ 5.

<sup>4</sup> Petitioner also indicates in her motion that she had \$14.00 in out-of-pocket expenses. Motion at ¶ 4.

<sup>5</sup> 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, § 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 of Health & Human Servs., 924 F.2d 1029 (Fed. Cir.1991).

<sup>6</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.