

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-988V

Filed: March 13, 2015

PAULA SIMS,

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Petitioner,

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v.

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Attorney Fees and Costs; Stipulation

SECRETARY OF HEALTH AND
HUMAN SERVICES,

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Respondent.

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Patricia Finn, Esq., Patricia Finn Attorney, P.C., Piermont, NY, for petitioner.

Justine Walters, Esq., US Department of Justice, Washington, DC, for respondent.

DECISION ON ATTORNEY FEES AND COSTS¹

Vowell, Chief Special Master:

On October 15, 2014, Paula Sims 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 she suffered a shoulder injury which was caused in fact by the influenza vaccination she received on October 17, 2011. Petition at 1. On February 10, 2015, I issued a decision awarding compensation to petitioner based on respondent’s proffer to which petitioner agreed.

On March 13, 2015, the parties filed a Stipulation of Fact Concerning Attorneys’ Fees and Costs. According to the stipulation, the parties agree upon an award of attorneys’ fees and costs to petitioner in the amount of \$6,454.70 and an award of \$400.00 for costs incurred by petitioner for a total award of \$6,854.70. In accordance

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims’ website, in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), petitioners have 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 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 (2006).

with General Order #9, petitioner's counsel represents that petitioner incurred \$400.00 in out-of-pocket expenses.

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

Accordingly, I award petitioner a payment of \$6,854.70³ as follows:

a. a lump sum payment of **\$400.00** in the form of a check payable solely to petitioner, Paula Sims;

b. a lump sum payment of **\$6,454.70** in the form of a check payable jointly to petitioner, Paula Sims and petitioner's counsel, Patricia Finn.

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

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Chief 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 Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).