

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-1096V

Filed: October 24, 2016

UNPUBLISHED

MILFORD B. REIMAN, *

*

Petitioner, *

v. *

SECRETARY OF HEALTH *

AND HUMAN SERVICES, *

*

Respondent. *

*

Attorneys' Fees and Costs;
Reasonable Amount to Which
Respondent Does Not Object

Howard Gold, Gold Law Firm, LLC, Wellesley Hills, MA, for petitioner.

Linda Renzi, U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON ATTORNEYS' FEES AND COSTS¹

Roth, Special Master:

On November 10, 2014, 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"). Petitioner alleged that he suffered brachial plexopathy and Parsonage-Turner Syndrome after receiving an influenza vaccination. See generally Petition ("Pet."), ECF No. 1. On September 21, 2016, the undersigned issued a decision dismissing petitioner's claim based on petitioner's motion to dismiss. Decision, ECF No. 35.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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.

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 (2012).

Petitioner now seeks an award of attorney's fees and costs in the amount of \$12,241.69, pursuant to Section 15(e) of the Vaccine Act. Motion for Attorney's Fees ("Motion for Fees"), ECF No. 39. In compliance with General Order #9, petitioner's counsel represents that petitioner incurred no out-of-pocket expenses. Respondent has indicated that she is unopposed to petitioner's fee application. After careful consideration, the undersigned has determined to grant the request in full for the reasons set forth below.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. § 15(e). Mr. Gold has previously received the currently billed rates of \$345 for work performed in 2014, \$360 for work performed in 2015, and \$370 for work performed in 2016, commensurate with his significant experience with the vaccine program. *See Karl v. Sec'y of HHS*, No. 14-36V, 2016 WL 6069200 (Fed. Cl. Spec. Mstr. Sep. 20, 2016). 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 \$12,241.69³ as a lump sum in the form of a check jointly payable to petitioner and petitioner's counsel, Howard Gold.

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

IT IS SO ORDERED.

s/Mindy Michaels Roth
Mindy Michaels Roth
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, § 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).

⁴ 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.