

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-120V

Filed: April 14, 2016

Not for Publication

TERRA SCHALLER,

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Petitioner,

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v.

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Attorneys' fees and costs decision;
respondent does not object

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Andrew D. Downing, Phoenix, AZ, for petitioner.

Heather L. Pearlman, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On February 9, 2015, petitioner filed a petition for compensation under the National Childhood Vaccine Injury Act, 42 U.S.C. §§ 300aa-10–34 (2012). Petitioner alleged that she suffered from pain, numbness, and loss of mobility in her right arm, shoulder, and hand due to her receipt of the hepatitis B vaccine on October 10, 2013. On February 11, 2016, the undersigned granted petitioner's motion to dismiss the case for failure to make a prima facie case of causation in fact.

On April 13, 2016, petitioner filed an unopposed application for attorneys' fees and costs. Petitioner requests attorneys' fees in the amount of \$20,743.50.00 and attorneys' costs in the

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 note (2012) (Federal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). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to redact such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall redact such material from public access.

amount of \$3,258.53 for a total amount of \$24,002.03. In compliance with General Order #9, petitioner's counsel represents that petitioner incurred no costs in pursuit of this claim. Petitioner's motion indicates that respondent does not object to the undersigned awarding petitioner \$24,002.03 in attorneys' fees and costs. On April 14, 2016, the undersigned's law clerk contacted respondent's counsel, who confirmed respondent has no objections to petitioner's motion.

The Vaccine Act permits an award of "reasonable attorneys' fees" and "other costs." 42 U.S.C. § 300aa-15(e)(1). 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 and awards \$24,002.03, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check made payable jointly to petitioner and Van Cott & Talamante, PLLC in the amount of **\$24,002.03**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

Dated: April 14, 2016

s/ Laura D. Millman
Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party, either separately or jointly, filing a notice renouncing the right to seek review.