

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-383V

Filed: February 18, 2016

UNPUBLISHED

HENRY RODER,

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Petitioner,

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v.

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

SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Lisa Annette Roquemore, Law Office of Lisa A. Roquemore, for petitioner.

Sarah Christina Duncan, U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON ATTORNEYS' FEES AND COSTS¹

Dorsey, Chief Special Master:

On April 16, 2015, 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 a Shoulder Injury Related to Vaccine Administration ["SIRVA"] as a result of his January 11, 2013 influenza vaccination. Petition at 5-7; Stipulation, filed December 1, 2015, ¶¶ 2, 4. On December 2, 2015, the undersigned issued a decision awarding compensation to petitioner based on the parties' stipulation.

On February 16, 2016, the parties filed a Stipulation of Facts Concerning Attorneys' Fees and Costs. According to the stipulation, the parties stipulate to an award for "(a) attorney's fees and costs in the amount of \$21,316.64; and, (b) \$2,

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims'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

951.57 in out-of-pocket expenses for petitioner, as represented by his counsel in compliance with General Order #9.” Stipulation, filed February 16, 2016, ¶13.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner’s request and the lack of any objection by respondent, the undersigned **GRANTS** the request for approval and payment of attorneys’ fees and costs.

Accordingly, an award should be made as follows:

1. **\$21,316.64 in the form of a check jointly payable to petitioner and petitioner’s counsel, Lisa A. Roquemoire; and**
2. **\$2,951.57 in the form of a check solely payable to petitioner.** ³

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

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
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 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.