

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-857V

Filed: November 23, 2016

\* \* \* \* \*

The Estate of JUANITA WHITE \*

Decedent by and through JOYCELYN \*

FORD, as Personal Representative \*

**UNPUBLISHED**

Special Master Hamilton-Fieldman

\*

Petitioners, \*

v. \*

Attorneys' Fees and Costs;

Reasonable Amount Requested

SECRETARY OF HEALTH \*

to which Respondent Does Not

AND HUMAN SERVICES, \*

Object.

\*

Respondent. \*

\* \* \* \* \*

Isaiah R. Kalinowski, Maglio, Christopher and Toale, PA, Washington, D.C., for Petitioner.

Ryan D. Pyles, United States Department of Justice, Washington, D.C., for Respondent.

### **DECISION**<sup>1</sup>

On August 11, 2015, Jocelyn Ford ("Petitioner"), as the personal representative of the estate of Juanita A. White, filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (2012) ("Vaccine Act"). Petition ("Pet."), ECF No. 1. Petitioner alleged that the administration of the influenza ("flu") vaccine on October 8, 2013, caused Ms. White to develop Guillain-Barré Syndrome ("GBS"). Pet. at 1-4, filed Aug. 11, 2015. On April 11, 2016, Petitioner filed a notice to withdraw her petition pursuant to 42 U.S.C. § 300aa-21(b). Withdrawal Notice, ECF No. 21. In response, on April 12, the undersigned issued an Order Concluding Proceedings pursuant to § 300aa-21(b) Withdrawal. ECF No. 24.

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<sup>1</sup> Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the purposes espoused in the E-Government Act of 2002. See 44 U.S.C. § 3501 (2012). Each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

On October 5, 2016, Petitioner filed an application for attorneys' fees and costs. Petitioner requested compensation in the amount of \$19,337 for attorneys' fees and costs, of which none were personally incurred by Petitioner. Petitioner's Application at 1-2, filed Oct. 5, 2016. "Respondent does not object to the payment of Petitioner's attorneys' fees and reimbursement of Petitioner's case costs in the amount specified above." *Id.* at 2.

In accordance with the Vaccine Act, 42 U.S.C. § 300aa-15(e) (2012), the undersigned finds that Petitioner's request for fees and costs is reasonable. **Accordingly, the undersigned hereby awards the amount of \$19,337, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Isaiah R. Kalinowski, of Maglio, Christopher and Toale, P.A.** In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court shall enter judgment in accordance herewith.<sup>2</sup>

**IT IS SO ORDERED.**

/s/Lisa D. Hamilton-Fieldman  
Lisa D. Hamilton-Fieldman  
Special Master

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<sup>2</sup> Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. Vaccine Rule 11(a).