

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: January 17, 2018

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JESSIE M. HOLLOWAY,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 16-919V

Special Master Sanders

Attorneys' Fees and Costs; Reasonable
Amount Requested.

Sean F. Greenwood, The Greenwood Law Firm, Houston, TX, for Petitioner.

Robert P. Coleman, III, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On August 2, 2016, Jessie M. Holloway ("Petitioner") filed a petition pursuant to the National Vaccine Injury Compensation Program ("Vaccine Program").² 42 U.S.C. §§ 300aa-10 to -34 (2012). Petitioner alleged that she suffered from pneumonitis and respiratory problems as a result of a Prevnar 13 vaccine administered on December 17, 2015. Pet. 1, ECF No. 1. On October 30, 2017, the undersigned dismissed Petitioner's claim following a motion for a dismissal decision. Decision, ECF No. 38.

On December 18, 2017, Petitioners filed an application for attorneys' fees and costs. ECF No. 41. Petitioner requested \$22,252.50 in attorneys' fees and \$3,247.61 in costs, for a total of \$25,500.11. *Id.* at 1. Respondent submitted a Response to Petitioners' motion on December 22, 2017. ECF No. 42. Respondent indicated that "[t]o the extent that the Special Master is treating [P]etitioner's request for attorneys' fees and costs as a motion that requires a

¹ This decision shall be posted on the website of the United States Court of Federal Claims, 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 (2012)). As provided by Vaccine Rule 18(b), 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).

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).

response from [R]espondent[.] . . . Respondent is satisfied the statutory requirements for an award of attorneys' fees and costs are met in this case." *Id.* at 2. Respondent recommended that the undersigned exercise her discretion and determine a reasonable award for attorneys' fees and costs. *Id.* at 3. Petitioner did not submit a Reply.

The undersigned has reviewed the detailed records of time and expenses of Petitioner's counsel, and finds that they are reasonable. In accordance with the Vaccine Act, 42 U.S.C. § 300aa-15(e) (2012), the undersigned finds that Petitioner is entitled to attorneys' fees and costs. **Accordingly, the undersigned hereby awards the amount of \$25,500.11,³ in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Sean F. Greenwood, of The Greenwood Law Firm.** 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.⁴

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
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 Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. Vaccine Rule 11(a).