

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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WILLIAM "BILL" BARBOZA, \*

Petitioner, \*

v. \*

SECRETARY OF HEALTH AND HUMAN SERVICES, \*

Respondent. \*

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No. 11-890V  
Special Master Christian J. Moran

Filed: December 30, 2013

Attorneys' fees and costs; award  
in the amount to which  
respondent does not object.

Mark T. Sadaka, Sadaka Associates LLC, Englewood, NJ, for Petitioner;  
Lindsay Corliss, U.S. Department of Justice, Washington, DC, for Respondent.

### UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>

On December 27, 2013, petitioner filed a stipulation of fact concerning final attorney's fees and costs in the above-captioned matter. Previously, petitioner informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended his application to request \$27,298.56, an amount to which respondent does not object. The Court awards this amount.

On December 20, 2011, William Barboza filed a petition for compensation alleging that the influenza ("flu") vaccination he received on December 23, 2010, caused him to suffer an autoimmune disease and neuropathy. Petitioner received compensation based upon the parties' stipulation. Decision, filed December 16, 2013. Because petitioner received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Petitioner seeks a total of **\$27,000.00** in attorneys' fees and costs for his counsel. Additionally, in compliance with General Order No. 9, petitioner states that he incurred out-of-pocket litigation expenses of **\$298.56** while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

- 1. A lump sum of \$27,000.00 in the form of a check made payable to petitioner and petitioner's attorney, Mark T. Sadaka of the Law Offices of Sadaka Associates LLC, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- 2. A lump sum payment of \$298.56 in the form of a check payable to petitioner, William Barboza.**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.<sup>2</sup>

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.