

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

DEBORAH and JAMEY McBEE, *
Individually, and DEBORAH McBEE, as *
the Court appointed personal administrator *
of the Estate of KENNETH BLAKE McBEE,*

No. 09-736V
Special Master Christian J. Moran

Petitioners, *

Filed: September 10, 2012

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

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

Respondent. *

UNPUBLISHED DECISION¹

Terry D. Jackson, Terry D. Jackson, P.C., Atlanta, GA, for Petitioners;
Melonie J. McCall, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioners Deborah and Jamey McBee, individually, and Deborah McBee, as the court appointed personal administrator of the estate of her son, Kenneth Black McBee (“Blake”), filed their application for attorneys’ fees and costs on August 17, 2012. The Court awards the amount to which respondent has not objected.

Petitioners claimed that the hepatitis A vaccine caused their son’s death and received compensation based upon the parties’ stipulation. Decision, filed June 22, 2011. Because petitioners received compensation, they are entitled to an award of attorneys’ fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioners seek **\$47,610.00** in attorneys’ fees and **\$9,623.69** in costs for petitioners’ counsel. Additionally, petitioners filed a statement of costs in compliance with General Order

¹ 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.

No. 9, stating that they incurred no while pursuing this claim. Respondent stated that she had no objection to this application for attorneys' fees and costs.

After reviewing the request, the court awards the following:

A lump sum payment of \$57,233.69 in the form of a check payable to petitioners' attorney, Terry Jackson, of the law firm Terry D. Jackson, P.C., and petitioners, Deborah and Jamey McBee, for attorney's fees and costs available under 42 U.S.C. § 300aa-15(e);

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master

² 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.