

Petitioners allege that as a result of the rotavirus vaccine administered to Miranda on or about July 9, 2009, she thereafter suffered an intussusception and the residual effects of this condition for more than six months. Pet. at 1. On July 12, 2012, the undersigned issued a decision on the basis of a stipulation from the parties. Decision, July 22, 2012.

On July 18, 2012, petitioners filed a motion for attorneys' fees and costs. Pet'rs' Motion for Attorney's Fees and Costs, July 18, 2012. On July 27, 2012, respondent filed a response raising several objections to petitioners' motion for attorneys' fees and costs. Respondent's Response, July 27, 2012. On January 9, 2013, petitioners moved to amend the fees' application requesting additional costs of \$10,199.70 (\$2,130.13 in costs incurred by counsel, \$569.50 in costs incurred by petitioners, and \$7500.07 in costs incurred with establishing a guardianship). Petitioners' Amended Application for Costs. Petitioner's Amended Application, Jan. 9, 2013. Respondent objected to this amended request for costs. Respondent's Response, Jan. 24, 2013.

On January 28, 2013, the parties filed a Stipulation of Facts Regarding Attorneys' Fees and Costs. According to the stipulation, respondent does not object to an amount of \$36,630.13, in attorneys' fees and costs. In accordance with General Order #9, petitioners filed a statement stating that they incurred \$569.50, in out-of-pocket expenses in pursuing their petition. Respondent does not object to petitioners' out-of-pocket expenses.

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 petitioners' request and respondent's counsel's lack of objection to petitioners' counsel's fee request, the undersigned **GRANTS** petitioners' motion for approval and payment of attorneys' fees and costs. Accordingly, an award should be made in the form of a check payable as follows:

- (a) a lump sum payment in the amount of **\$36,630.13**, payable jointly to petitioners and Thomas Gallagher, for attorney and paralegal fees, attorney costs, and
- (b) a lump sum payment in the amount of **\$569.50**, payable to petitioners only, for their out-of-pocket expenses.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia Campbell-Smith
Chief Special Master