

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 10-430V
(Filed: May 31, 2011)

IRENE HARDY,)	UNPUBLISHED
)	
Petitioner,)	Attorneys' Fees and Costs;
)	Reasonable Amount
v.)	Requested to which
)	Respondent Does Not
SECRETARY OF THE DEPARTMENT)	Object
OF HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

Lisa Roquemore, Irvine, CA, for petitioner

Lara Englund, Washington, DC, for respondent

STIPULATED ATTORNEYS' FEES AND COSTS DECISION¹

CAMPBELL-SMITH, Special Master

On July 7, 2010, petitioner, Irene Hardy, filed a petition seeking compensation under the National Vaccine Injury Compensation Program (“the Vaccine Program”).²

¹ The undersigned intends to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub.L.No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to file a motion for redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). In the absence of such motion, “the entire” decision will be available to the public. Id

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

The parties have reached a tentative agreement in the above-captioned case, and a fifteen week stipulation order issued on May 16, 2011.

On May 23, 2011, petitioner's counsel filed a first and final fee application for attorneys' fees and costs. See Petition for Attorneys' Fees and Costs (Fee App.). On May 27, 2011, the parties filed a stipulation regarding reasonable attorneys' fees and costs to which respondent would agree not to object.

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 petitioner's request and respondent's counsel's lack of objection to petitioner's counsel's amended fee request, the undersigned **GRANTS** petitioner's counsel's revised application for attorneys' fees and costs.

The undersigned awards a total of \$78,657.02 in attorneys' fees and costs and \$2,775.00 in petitioner's costs.³ In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGEMENT in petitioner's favor in the amount of \$81,432.02 in attorneys' fees and attorneys' costs.**⁴ **The judgment shall reflect that Broker and Associates Professional Corporation may collect \$78,657.02 from petitioner, and that petitioner may retain \$2,775.00 for petitioner's expenses.**

IT IS SO ORDERED.

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

³ Other than this amount, the parties agreed that petitioner had no other reimbursable out-of-pocket expenses pursuant to General Order No. 9.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.