

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-77

E-Filed: June 21, 2013

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UNPUBLISHED

SHERRILL K. STILLWELL, *

Petitioner, *

v. *

Interim Attorneys' Fees and Costs;
Reasonable Amount Requested to
which Respondent Does Not Object

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

* * * * *

Sol Ajalat, Ajalat & Ajalat, North Hollywood, CA, for petitioner.

Alexis Babcock, U.S. Dep't of Justice, Washington, DC, for respondent.

DECISION ON INTERIM ATTORNEYS' FEES AND COSTS¹

On February 7, 2011, Sherrill Stillwell (petitioner) filed a petition alleging that the influenza (flu) vaccine caused her to develop acute disseminated encephalomyelitis. Petitioner sought an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program² (the Act or the Program). 42 U.S.C. §§

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims's 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 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). Otherwise, "the entire" decision will be available to the public. Id.

² The National Vaccine Injury Compensation Program is set forth in 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-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

300aa-1 to -34 (2006).

On June 17, 2013, the undersigned issued a decision finding petitioner is not entitled to Program compensation.

On June 21, 2013, the parties filed a joint stipulation of facts regarding interim attorneys' fees and costs, stating that a decision should be entered awarding interim attorneys' fees and costs in the total amount of \$97,500.00.

Based on the reasonableness of petitioner's request, and based on respondent's counsel's lack of objection to petitioner's counsel's interim fees request, the undersigned **GRANTS** the motion for payment of interim attorneys' fees and costs and notes that petitioner reserves the right to seek costs and expenses at a future point.

It is the opinion of the undersigned that the circumstances of this case are appropriate for an interim award of petitioner's counsel's fees of \$97,500.00. The undersigned determines that there is no just reason to delay the entry of judgment on interim attorneys' fees and attorneys' costs. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court **SHALL ENTER JUDGMENT in petitioner's favor for \$97,500.00 in interim attorneys' fees and costs.** Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

IT IS SO ORDERED.

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