



2012, the undersigned issued a decision dismissing petitioner's case as untimely filed, and judgment was entered on February 1, 2013.

On January 28, 2013, petitioner filed a motion for attorneys' fees and costs, and petitioners' costs. On February 28, 2013, the undersigned issued an order staying consideration of petitioner's pending fees motion, in light of the issue then before the Supreme Court as to whether a petitioner might be entitled to attorneys' fees and costs for a time-barred petition, if the petition was filed in good faith and with a reasonable basis. On May 20, 2013, the Court issued its decision in the affirmative. Sebelius v. Cloer, 133 S. Ct. 1886 (2013).

On September 13, 2013, the undersigned lifted the stay in this matter.

On September 16, 2013, the parties filed a Stipulation of Facts Regarding Attorneys' Fees and Costs ("AFC Stipulation"). The AFC Stipulation indicates that during informal discussions between the parties, respondent raised objections to certain items in petitioner's Motion for Attorneys' Fees and Costs. See AFC Stipulation ¶ 2. Based on those discussions, petitioner's counsel reduced the requested amount. Id. Petitioner now requests that a decision be issued awarding final attorneys' fees and costs totaling \$8,000.00, and \$478.74 for petitioner's costs. Id. Respondent does not object to this requested amount. Id. The parties represented that petitioner's fees motion complies with General Order #9. Id. at ¶ 3.

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 fee request, the undersigned **GRANTS** petitioner's 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 **\$8,000.00**, payable jointly to petitioner and Lisa A. Roquemore, for attorneys' fees and costs, and
- (b) a lump sum payment in the amount of **\$478.74**, payable to petitioner only, for his 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.<sup>3</sup>

**IT IS SO ORDERED.**

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

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