

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: August 21, 2009

No. 07-241V

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JOHN MEYER, as parent and natural)	
guardian of RENEE MEYER, a minor)	
child,)	
)	UNPUBLISHED
Petitioner,)	
)	Attorneys' Fees and Costs
v.)	
)	
SECRETARY OF THE DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
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DECISION¹

On April 17, 2007, petitioner, John Meyer, filed a petition on behalf of his minor daughter Renee, seeking compensation under the National Vaccine Injury Compensation Program (the "Vaccine Program" or the "Act").² The petition seeks compensation for injuries related to Renee's receipt, on April 20, 2004, of a diphtheria-tetanus-acellular pertussis (DTaP) vaccine, which is contained in the Vaccine Injury Table. See 42 U.S.C. § 300aa-14(a)(I); 42 C.F.R. § 100.3(a)(I).

¹ Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless the decisions contain trade secrets or commercial or financial information that is privileged or confidential, or the decisions contain medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. Within 14 days of the filing of a decision or substantive order with the Clerk of the Court, a party may identify and move for the redaction of privileged or confidential information before the document's public disclosure.

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.A. § 300aa-10-§ 300aa-34 (West 1991 & Supp. 2002) (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.

On February 27, 2009, the undersigned issued a decision awarding compensation, adopting a stipulation from the parties.

On August 19, 2009, the parties jointly contacted the undersigned's law clerk and provided her with quantitative information regarding petitioner's attorneys' fees and costs request. Petitioner is requesting \$6,026.50 in attorneys' fees and \$2,694.24 in attorneys' costs and \$308.87 in petitioner's costs. Respondent does not object to these requested amounts.

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 counsel's request and respondent's election not to object to the request, the undersigned **GRANTS** the attorneys' fees and costs as outlined by the parties telephonic representations to the undersigned's law clerk on August 19, 2009.

The undersigned awards petitioner \$9,029.61 in fees and costs.

Therefore, in the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of \$8,720.74 in attorneys' fees and attorneys' costs and \$308.87 in petitioner's costs.³ The judgment shall reflect that a check in the amount of \$8,720.74 shall be made payable jointly to the Kennedy Berkley Yarnevich law firm and to petitioner, whereas a check in the amount of \$308.87 should be made payable solely to petitioner.

IT IS SO ORDERED.

Patricia E. Campbell-Smith
Special Master

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.