

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 12-742V

(Not to be published)

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SYDNEY RICH, \*

\*

Petitioner, \*

\*

Filed: December 27, 2013

v. \*

\*

Decision on Attorneys'

SECRETARY OF HEALTH AND \*

Fees and Costs

HUMAN SERVICES \*

\*

Respondent. \*

\*

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DECISION<sup>1</sup> (INTERIM ATTORNEY FEES AND COSTS)

In this case under the National Vaccine Injury Compensation Program,<sup>2</sup> Special Master Hamilton-Fieldman issued an Order and Ruling on Facts on July 26, 2013. On December 23, 2013, the parties filed a stipulation concerning interim attorney's fees and costs in this matter. The parties' stipulation requests a total payment of \$54,000.00, representing attorney's fees and costs. In accordance with General Order #9, Petitioner's counsel noted that Petitioner incurred no reimbursable costs in pursuit of her claim.

The undersigned finds that this petition was brought in good faith and that there

<sup>1</sup> 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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). 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 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). Otherwise, "the entire" decision will be available to the public. *Id.*

<sup>2</sup> The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding interim attorneys' fees and costs, on the terms set forth therein.

The stipulation awards:

A) A lump sum of \$26,000.00 in the form of a check jointly payable to Petitioner, Petitioner's attorney, Andrew D. Downing, and Rhodes, Hieronymus, Jones, Tucker & Gable; and,

B) A lump sum of \$28,000.00 in the form of a check jointly payable to Petitioner, Petitioner's attorney, Andrew D. Downing, and Hennelly & Steadman PLC.

Stipulation ¶ 6 (A), (B).

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.

**IT IS SO ORDERED.**

/s/ Lisa Hamilton-Fieldman.  
Lisa Hamilton-Fieldman  
Special Master