

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 07-0334V
(Not to be published)

*
STEPHEN PYBURN and *
LAURA PYBURN, parents of *
Bailey Pyburn, a minor, *
*
 Petitioners, *
*
 v. *
*
SECRETARY OF HEALTH AND *
HUMAN SERVICES *
*
 Respondent. *

Filed: August 28, 2012

Autism; Decision on Attorneys’
Fees and Costs

DECISION¹ (ATTORNEY FEES AND COSTS)

In this case under the National Vaccine Injury Compensation Program,² I issued a decision on June 1, 2012. On August 24, 2012, the parties filed a Stipulation of Facts Concerning Attorney’s Fees and Costs in this matter. The parties’ stipulation requests a total payment of \$6,879.71, representing attorneys’ fees and costs of \$6023.77, and \$855.94 of costs expended by petitioners.

An award for fees and costs is appropriate at this time, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem reasonable and appropriate. Accordingly,

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, § 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.

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

I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

- a lump sum of \$947.05, in the form of a check payable jointly to petitioners and petitioners' counsel, Richard Gage, on account of services performed by counsel's law firm.
- a lump sum of \$5,076.72, in the form of a check payable jointly to petitioners and petitioners' counsel, George Tankard, on account of services performed by counsel's law firm.
- a lump sum of \$855.94, in the form of a check payable to Stephen Pyburn and Laura Pyburn, which represents petitioners' own litigation expenses in this case.

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/ George L. Hastings, Jr.
George L. Hastings, Jr.
Special Master

6. On August 7, 2012, petitioners filed a signed statement, in compliance with General Order #9, indicating that they incurred \$855.94 in costs in pursuit of their claim.
7. The parties now agree that a decision should be entered awarding the attorneys' fees and costs described in paragraphs 4 and 5 of this stipulation.

Respectfully submitted,

s/ Richard Gage
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s/ Linda S. Renzi
by s/ Heather L. Pearlman
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DATED: August 24, 2012