

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 07-278V

Filed: March 9, 2012

_____	)	
KARON MERRILL	)	
	)	NOT TO BE PUBLISHED
Petitioner,	)	
	)	
v.	)	Stipulation; attorneys' fees and
	)	costs; personal litigation costs;
SECRETARY OF	)	award in the amount to which
HEALTH AND HUMAN SERVICES,	)	respondent does not object
	)	
Respondent.	)	
_____	)	

Michael G. McLaren, Black & McLaren, Memphis, TN, for Petitioner;  
Voris E. Johnson, United States Dep't of Justice, Washington, D.C., for Respondent.

### **DECISION ON FEES AND COSTS**<sup>1</sup>

**LORD**, Special Master.

On February 29, 2012, the parties in the above-captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of attorneys' fees and costs in this case. After informal discussions with Respondent, Petitioner requests a total award of \$68,500.00 in attorneys' fees and costs. In accordance with General Order #9, Petitioner's counsel represents that Petitioner incurred no reimbursable out-of-pocket litigation costs. Respondent does not object to this request.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the Court finds the stipulated amount of \$68,500.00 in attorneys' fees and costs to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Stipulation.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$68,500.00** in attorneys' fees and costs. The judgment shall reflect that Petitioner is awarded fees and costs as follows:

<sup>1</sup> In accordance with Vaccine Rule 18(b), petitioner has 14 days to file a proper motion seeking redaction of medical or other information that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Redactions ordered by the special master, if any, will appear in the document as posted on the United States Court of Federal Claims' website.

**A lump sum of \$68,500.00 in the form of a check payable jointly to Petitioner and Petitioner's counsel, Michael G. McLaren, Black McLaren Jones Ryland & Griffie, P.C., for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e).**

The Court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Dee Lord  
Dee Lord  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS**

KARON MERRILL,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 07-0278V (ECF)
	)	Chief Special Master Lord
	)	
SECRETARY OF HEALTH	)	
AND HUMAN SERVICES,	)	
	)	
Respondent.	)	

**STIPULATION OF FACT CONCERNING  
ATTORNEYS' FEES AND COSTS**

It is hereby stipulated, by and between the parties, the following factual matters:

1. Michael G. McLaren, with the law firm Black McLaren Jones Ryland & Griffee, P.C., is the attorney of record for petitioner in this matter.
2. On or around January 26, 2012, petitioner informally provided respondent with her application for attorneys' fees and costs ("Application") related to this matter.
3. In informal discussions, respondent raised certain objections to petitioner's Application. As a result, petitioner has agreed to amend her Application to seek reimbursement for:
  - (a) attorneys' fees and costs for the law firm Black McLaren Jones Ryland & Griffee, P.C., in the amount of \$68,500.00; and,
  - (b) no out-of-pocket expenses for petitioner, as represented by his counsel in compliance with General Order #9.
4. Respondent does not object to the amended request.
5. The parties now request that the Court issue a decision awarding the attorneys' fees and costs described in paragraph 3 of this Stipulation, directing payment in the form of a check payable jointly to petitioner and petitioner's counsel.
6. Nothing in this Stipulation, including the amount set forth in paragraph 3, should be construed as an admission, concession, or waiver by either party as to any of the matters raised by petitioner's request for attorneys' fees and costs, including

but not limited to the hourly rates requested, the number of hours requested, and other litigation-related costs.

Respectfully submitted,

Dated: February 29, 2011

By: s/Michael G. McLaren by /s Voris E. Johnson, Jr.  
MICHAEL G. MCLAREN  
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Dated: February 29, 2011

By: s/Voris E. Johnson, Jr.  
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