

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 07-474V

Filed: December 14, 2011

ROBERT J. WEINWUTH,	)	
as Executor of the Estate of	)	
LOIS E. WEINWUTH,	)	
	)	NOT TO BE PUBLISHED
Petitioner,	)	
	)	
v.	)	Stipulation; attorneys' fees and
	)	costs; award in the amount to
SECRETARY OF	)	which respondent does not object
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
	)	

Firooz T. Namei, McKinney & Namei Company, L.P.A., Cincinnati, OH, for Petitioner;  
Melanie J. McCall, United States Dep't of Justice, Washington, D.C., for Respondent.

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

**LORD**, Special Master.

On December 9, 2011, 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 \$75,795.81 in attorneys' fees and costs. In accordance with General Order #9, Petitioner's counsel represents that Petitioner incurred no personal litigation costs. Respondent does not object to this request. Id.

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 \$75,795.81 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.

<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.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$75,795.81** in attorneys' fees and costs. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

**(1) a lump sum of \$75,795.81 in the form of a check payable jointly to Petitioner and Petitioner's counsel, Firooz T. Namei, McKinney & Namei Company, L.P.A., 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.