

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 07-278V

Filed: November 10, 2010

KARON MERRILL,	)	
	)	NOT TO BE PUBLISHED
Petitioner,	)	
	)	
v.	)	
	)	Interim Attorney's Fees and Costs;
SECRETARY OF	)	Attorneys' Fee Amount to which
HEALTH AND HUMAN SERVICES,	)	Respondent does not object.
	)	
Respondent.	)	

### INTERIM ATTORNEYS' FEES AND COSTS DECISION<sup>1</sup>

#### LORD, Special Master.

Petitioner in the above captioned case filed an "Amended Application for Interim Attorneys' Fees and Costs" ("Application") on June 25, 2010. In the Application, Petitioner represented that Respondent had no objection to a total interim award of \$37,915.52 for attorney's fees and costs. *Id.* Petitioner filed the Petitioner and Counsel statement on October 5, 2010, stating that Petitioner incurred no litigation costs.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).<sup>2</sup> After reviewing the request, the court finds the award of \$37,925.52 in attorneys' fees and for partial costs to be reasonable. Based on the request's reasonableness and the parties' agreement, the undersigned **GRANTS** Petitioner's request as outlined in the June 25, 2010 filing.

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<sup>1</sup> The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). 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 ruling will be available to the public. *Id.*

<sup>2</sup> The Vaccine Act also permits an interim award of attorneys' fees and costs. *Avera v. Sec'y of Health & Human Servs.*, 515 F.3d 1343 (Fed. Cir. 2008).

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$37,915.52 in interim attorneys' fees and costs**, all of which shall be made payable jointly to Petitioner and Petitioner's attorney.

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment according to this decision.<sup>4</sup>

**IT IS SO ORDERED.**

s/Dee Lord  
Dee Lord  
Chief Special Master

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<sup>4</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.