

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 08-447V

Filed: July 13, 2010

LAURA PARSONS, as mother of her daughter,	)	
JESALEE PARSONS,	)	
	)	NOT TO BE PUBLISHED
Petitioner,	)	
	)	
v.	)	Irreducible minimum;
	)	Interim Attorney's Fees and Costs
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
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 the parties have agreed to a total interim award of \$42,954.01 for attorney's fees and costs. *Id.* That request includes \$30,283.00 for attorneys' fees, \$2,671.01 for costs, and an irreducible minimum of \$10,000.00 in costs for payment of Dr. Gershwin's fees. Both Petitioner and Respondent have reserved the right to litigate the entire amount originally requested for Dr. Gershwin's services at the conclusion of this case.

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 \$42,954.01 in attorneys'

<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 Dep't of Health & Human Servs.*, 515 F.3d 1343 (Fed. Cir. 2008).

fees and costs to be reasonable. Based on the request's reasonableness and the parties' agreement, the undersigned **GRANTS** Petitioner's request as outlined in the Application.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$42,954.01 in attorneys' fees and costs**, all of which shall be made payable jointly to Petitioner and Petitioner's attorney.

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 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.



Respondent has reviewed this amended fee application and does not object to its filing.

Respectfully Submitted,

BLACK McLAREN JONES RYLAND & GRIFFEE  
A Professional Corporation

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