

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 12-618V

Filed: September 24, 2013

Not for Publication

JOHN TOMBERLIN,

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Petitioner,

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Interim attorneys' fees and costs decision
based on stipulation of facts

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v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Ronald C. Homer, Boston, MA, for petitioner.

Lisa A. Watts, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING INTERIM ATTORNEYS' FEES AND COSTS¹

On September 24, 2013, the parties filed a stipulation of facts concerning attorneys' fees and costs in which they agreed on an appropriate amount for attorneys' fees and costs in this case.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to redact such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall redact such material from public access.

On December 18, 2012, respondent filed a Rule 4(c) Report conceding this claim. Petitioner has elected to retain another attorney, and Mr. Homer will be filing a Motion to Withdraw/Substitute Counsel shortly.

On September 12, 2013, petitioner filed his Application for Interim Attorneys' Fees and Costs. During informal discussions, respondent raised objections to certain aspects of the application. Based on these objections, petitioner now amends his application for attorneys' fees and costs and requests \$42,170.12 in attorneys' fees and costs. Respondent does not object to this amount. Respondent notes in a footnote of the stipulation that she elects not to raise her statutory objection to interim fees in general, in light of the circumstances presented in this case.

The undersigned finds this amount to be reasonable. Accordingly, the court awards **\$42,170.12**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check payable jointly to petitioner and Conway, Homer & Chin-Caplan, in the amount of **\$42,170.12**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

Dated: September 24, 2013

s/ Laura D. Millman
Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party, either separately or jointly, filing a notice renouncing the right to seek review.