

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

ILYA DOBRYDNEV,	*	
	*	No. 04-1593V
Petitioner,	*	The Honorable Susan G. Braden
	*	Special Master Christian J. Moran
v.	*	
	*	
SECRETARY OF HEALTH	*	Filed: December 5, 2012
AND HUMAN SERVICES,	*	
	*	Attorneys' interim costs; amount to
Respondent.	*	which respondent does not object
	*	

DECISION AWARDING INTERIM ATTORNEYS' COSTS ON AN INTERIM BASIS¹

Ilya Dobrydnev alleged that a dose of the hepatitis B vaccine caused him to develop chronic fatigue syndrome. The Court found that he was entitled to compensation. Opinion and Order, 94 Fed. Cl. 134 (2010).

While the issue of the damages to which Mr. Dobrydnev is entitled remains pending, he filed a motion requesting an award of attorneys' costs for the expenses he incurred to retain expert witnesses to testify on his behalf. The Secretary opposes his motion. The Secretary argues that any award on an interim basis is not appropriate. The Secretary, however, has not lodged any specific objection to the amount of fees being sought.

In Avera v. Sec'y of Health & Human Servs., the Federal Circuit stated that awards of attorneys' fees and costs on an interim basis are permitted in the Vaccine Program. 515 F.3d 1343, 1352 (Fed. Cir. 2008). Petitioner has demonstrated he is entitled to an award of interim costs under Avera.

Mr. Dobrydnev seeks \$1,050.00 for the testimony of Dr. Michael L. Stutts and \$1,674.00 for the testimony of Dr. Gudrun Lange for a total of \$3,774.00. A review of the material indicates Mr. Dobrydnev's request is reasonable. He is awarded the amount requested.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Mr. Dobrydnev is entitled to an award of interim attorneys' costs. The special master determines that there is no just reason to delay the entry of judgment on interim attorneys' fees and costs. Therefore, in the absence of a motion for review filed under RCFC Appendix B, **the clerk of court shall enter judgment in petitioners' favor for \$3,774 in interim attorneys' costs.** A check shall be made payable to petitioner and petitioner's attorney. Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

IT IS SO ORDERED.

S/Christian J. Moran
Christian J. Moran
Special Master