

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-123V

Filed: July 24, 2009

Not for publication

MADELINE W. HERRELL, as Mother and *
Natural Guardian of *
BRENTON BOONE *

Petitioner, *

v. *

Attorney's Fees and Costs

SECRETARY OF THE DEPARTMENT OF *
HEALTH AND HUMAN SERVICES, *

Respondent. *

Sheila A. Bjorklund, Minneapolis, MN, for petitioner.
Lisa A. Watts, Washington, D.C., for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEY'S FEES AND COSTS¹

On July 9, 2009, the parties filed the attached stipulation, in which they agreed to settle the attorney's fees and costs in this case and described the settlement terms. On July 22, 2009, petitioner's counsel filed an affidavit detailing her efforts to obtain the requisite statement from

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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 delete 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 delete such material from public access.

her client in accordance with the General Order #9 requirements. Petitioner's counsel in her affidavit states she received an e-mail from petitioner stating petitioner has not expended any out-of-pocket expenses in furtherance of her Petition under the Vaccine Act.

The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards a total of **\$37,500.00**, representing reimbursement for **\$27,000.00** in Attorney's Fees and **\$10,500.00** in Attorney's Costs. The award shall be in the form of one check made jointly payable to petitioner and Sheila A. Bjorklund in the amount of **\$37,500.00**.

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.

July 24, 2009
DATE

/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's filing a notice renouncing the right to seek review.

ATTORNEY OF RECORD FOR
PETITIONER:

s/Sheila A. Bjorklund
SHEILA A. BJORKLUND, ESQ.
LOMMEN ABDO
80 South 8th Street
Suite 2000
Minneapolis, MN 55402
Tel: (612) 336-9312

Dated: July 9, 2009

Respectfully submitted,

ATTORNEY OF RECORD FOR
RESPONDENT:

s/Lisa A. Watts
LISA A. WATTS
Trial Attorney
Torts Branch, Civil Division
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
Tel: (202) 616-4099

Dated: July 9, 2009