

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS  
No. 08-347V  
Filed: May 16, 2011**

\*\*\*\*\*

DANIEL L. AULL and FRANCES C. AULL,	*	
as Co-Administrators of the Estate of	*	
WILLIAM DANIEL BLAKE AULL, Deceased,	*	
	*	Attorney Fees and Costs
Petitioners,	*	
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
	*	

\*\*\*\*\*

**DECISION ON ATTORNEY FEES AND COSTS<sup>1</sup>**

**Vowell, Special Master:**

In this case under the National Vaccine Injury Compensation Program,<sup>2</sup> I issued a decision on February 24, 2011, awarding compensation based on a stipulation of the parties. On August 20, 2010, I awarded petitioners interim attorney fees and costs of \$32,131.50. On April 28, 2011, petitioners filed an application for final attorney fees and costs, accounting for their attorneys' time and expenses since their application for interim fees and costs, and a statement in compliance with General Order 9. On May 16, 2011, counsel for both parties contacted my chambers to report that petitioners had agreed to amend their request for final attorney fees and costs to a total \$27,730.27.

---

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

<sup>2</sup> The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

Counsel for respondent reported at that time that she does not objection to this amended request.

Petitioners are entitled to reasonable attorney fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, I hereby award the total \$27,730.27<sup>3</sup> in the form of a check payable jointly to petitioners, Daniel L. Aull and Frances C. Aull, and petitioners' counsel, Black, McLaren, Jones, Ryland & Griffee Law Firm, for petitioners' attorney fees and costs.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>4</sup>

**IT IS SO ORDERED.**

s/Denise K. Vowell  
**Denise K. Vowell**  
Special Master

---

<sup>3</sup> This amount and the interim amount awarded in my August 20, 2010 decision are together intended to cover all legal expenses incurred in this matter. The total award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amounts awarded in this decision and my August 20, 2010 decision. See *generally Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir.1991).

<sup>4</sup> Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).