

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS
No. 12-0257V
Filed: November 15, 2013**

JACK T. GALYEAN,

*

*

Petitioner,

*

Attorney Fees and Costs; Stipulation

v.

*

*

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

*

*

Respondent.

*

Richard Moeller, Esq., Berenstein, Moore, et al, Sioux City, IA for petitioner.
Michael Milmo, Esq., U.S. Dept. of Justice, Washington, DC for respondent.

DECISION ON ATTORNEY FEES AND COSTS¹

Vowell, Chief Special Master:

In this case under the National Vaccine Injury Compensation Program,² Special Master Zane issued a decision on August 23, 2013 that awarded compensation pursuant to the parties' joint stipulation. This case was reassigned to me on September 5, 2013. On October 1, 2013, petitioner filed his motion for attorney fees and costs and a General Order #9 statement indicating the costs that petitioner personally incurred. After discussing petitioner's request, the parties have informally agreed to the amount of fees and costs to be awarded. See Stipulation, filed Nov. 15, 2013.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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), petitioner has 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.

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

I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, 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 \$38,804.84³ as follows:**

- **a lump sum of \$38,500.00 in the form of a check payable jointly to petitioner and petitioner's counsel of record for petitioner's attorney fees and costs, and**
- **a lump sum of \$304.84 in the form of a check payable to petitioner, Jack T. Galyean, for his personal litigation costs.**

The clerk of the court shall enter judgment in accordance herewith.⁴

IT IS SO ORDERED.

s/ Denise K. Vowell

Denise K. Vowell

Chief Special Master

³ This amount is intended to cover all legal expenses incurred in this matter. This 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 amount awarded herein. See *generally Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir.1991).

⁴ 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).