

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS**

**No. 13-657V**

**Filed: December 12, 2013  
(Not for Publication)**

\*\*\*\*\*

SUSAN MOODY,

\*

Petitioner,

\*

Stipulation; Interim Attorney Fees and Costs

v.

\*

\*

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

\*

\*

\*

Respondent.

\*

\*

\*\*\*\*\*

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

**Vowell**, Chief Special Master:

In this case under the National Vaccine Injury Compensation Program [hereinafter “the Program”],<sup>2</sup> petitioner filed a motion for an award of interim attorney fees and costs on December 3, 2013. Petitioner filed an amended motion on December 10, 2013.

On December 11, 2013, the parties filed a Stipulation of Fact Concerning Interim Attorneys’ Fees and Costs [“Stipulation”], wherein they explain that based on discussion of respondent’s objections, petitioner has amended her Application to request an award of \$12,739.00. Respondent does not object to this amount, noting that while she maintains her position that interim attorney fees and costs awards are not permitted in

---

<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 Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims’ website, in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), petitioner has 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, 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).

cases like this one, she “elects not to raise her statutory objection at this time in response to this particular request.” Stipulation at n.1.

Respondent cites to what she calls my prior decision in *Dudash v. Sec’y, HHS*. I was not the special master in *Dudash*, and the citation for *Dudash* is incorrect. Case number 09-636V is *David v. Sec’y of HHS*, a case that was assigned to me, but not one in which I opined on the availability of interim fees. However, I have held that interim fees are available in cases prior to a decision on entitlement to compensation. See *Davis v. Sec’y of HHS, No. 11-156V, (Fed. Cl. Spec. Mstr. March 7, 2013)*.

I find that petitioner is entitled to an award of interim attorney fees and costs under the facts and circumstances of this case. A review of the materials offered in support of the application for interim attorney fees and costs indicates that the agreed amount is reasonable.

**Accordingly, I hereby award the total of \$12,739.00 as follows:**

- **a lump sum of \$12,700.00 in the form of a check payable jointly to petitioner, Susan Moody, and petitioner’s counsel of record for petitioner’s attorney fees and costs, and**
- **a lump sum of \$39.00 in the form of a check payable to petitioner, Susan Moody, for her personal litigation costs.**

The clerk of court shall enter judgment accordingly.<sup>3</sup>

**IT IS SO ORDERED.**

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

---

<sup>3</sup> Entry of judgment can be expedited by each party’s filing a notice renouncing the right to seek review. See Vaccine Rule 11(a).