

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS
No. 02-0220V
Filed: October 11, 2013**

JOSE VALLE and ANDREA VALLE, *
on behalf of their minor child, *
Justice Valle, a minor, *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

Stipulation; Interim Attorney Fees and Costs

John Richardson Sutton, Esq., Sutton Law Group, P.A., Miami, FL for petitioners.
Ryan Pyles, Esq., U.S. Department of Justice, Washington, DC for respondent.

DECISION ON INTERIM ATTORNEY FEES AND COSTS¹

Vowell, Chief Special Master:

On August 27, 2013, the parties filed a Stipulation of Fact Concerning Interim Attorneys' Fees and Costs ["Stipulation"]. The stipulation indicates that after informal discussions of his draft application, petitioners' counsel has reached an agreement with respondent as to the amount of fees and costs to be awarded.

In light of my award of interim fees and costs to petitioners' prior counsel and the pending motion to withdraw,² respondent elects not to object to the interim nature of petitioners' counsel fee request. Stipulation at n.1. However, respondent preserves her

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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

² See Decision Awarding Interim Attorney's Fees and Costs, issued May 9, 2012; Motion to Withdraw as Counsel, filed Aug. 15, 2013.

right to raise “future objections to the interim nature of applications in both this case and others.” *Id.* Additionally, the parties’ agreement is contingent on my granting petitioners’ counsel motion to withdraw.³

I find that petitioners are entitled to an award of interim attorney fees and costs under the facts and circumstances of this case. The amount proposed by the parties seems reasonable and appropriate. **Accordingly, I hereby award the total of \$10,000.00 issued in the form of a check payable jointly to petitioners and petitioners’ counsel, John R. Sutton, for interim attorney fees and costs. The interim award check shall be mailed directly to petitioners’ current counsel, Mr. Sutton, located at 7721 S.W. 62nd Avenue - Suite 101, South Miami, FL 33143.**

The clerk of court shall enter judgment accordingly.⁴

IT IS SO ORDERED.

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

³ An order granting petitioners’ counsel’s motion to withdraw is forthcoming.

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