

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 07-339V

Filed: December 21, 2010

JIM D. BENHAM,)	
)	NOT TO BE PUBLISHED
Petitioner,)	
)	
v.)	
)	
SECRETARY OF)	Attorneys' Fees and Costs;
HEALTH AND HUMAN SERVICES,)	Stipulation.
)	
Respondent.)	
)	

Scott D. Allen, The Allen Firm, P.C., Stephenville, Texas, for Petitioner;
Glenn A. MacLeod, United States Department of Justice, Washington, D.C., for Respondent.

DECISION¹

LORD, Chief Special Master.

Petitioner in the above-captioned case filed a stipulation of fact for attorneys' fees and costs (the "Stipulation") on December 16, 2010. Petitioner and Respondent stipulate that Petitioner should be awarded a total amount of \$91,000.00 in attorneys' fees and costs. In accordance with General Order #9, Petitioner represents that he incurred \$3,757.61 in out-of-pocket expenses in personal litigation costs. Id.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the court finds the stipulated amount of \$91,000.00 in attorneys' fees and costs to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Stipulation.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$91,000.00** in attorneys' fees and costs.

¹ The undersigned intends to post this 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). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

The judgment shall reflect that Petitioner is awarded attorneys' fees and costs in **a check made payable jointly to Petitioner and Petitioner's counsel, Scott D. Allen, Esq., of The Allen Firm, P.C., in the amount of \$91,000.00.**

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

Dee Lord
Chief Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.