



(2006).<sup>2</sup> Petitioner alleges that Samuel developed Guillian-Barre syndrome (GBS) as a result of receiving an influenza vaccine on October 6, 2006.

An entitlement hearing was conducted on June 10, 2011. The undersigned's decision on entitlement is currently pending.

On January 10, 2013, petitioner's counsel filed a motion for interim fees (Interim Fees Motion) requesting \$91,028.75 in attorney fees, \$4,72.67 in costs paid by petitioner's attorney, \$12,462.00 in unpaid costs, and \$3,710.84 in out-of-pocket costs incurred by petitioner, for a total of \$112,174.26 for all fees and costs incurred from February 27, 2008 to the present.

In informal discussions, respondent raised objections to petitioner's interim fee application.

On January 16, 2013, the parties filed a joint stipulation regarding the application for interim attorneys' fees, stating that a decision should be entered awarding interim attorneys' fees for attorneys' fees incurred through January 13, 2013. The parties request that a decision on interim fees be entered awarding a lump sum of:

- (a) \$90,492.67, payable to petitioner and petitioner's attorney, for all attorneys' fees and costs paid by petitioner's attorney, and unpaid costs to date; and
- (b) \$1,125.84, payable to petitioner, for her recoverable out-of-pocket costs to date.<sup>3</sup>

The parties agree that only the issue of attorneys' fees and costs generated by petitioners' counsel up to and including January 16, 2013, is being resolved at this time.

The special master determines that there is no just reason to delay the entry of judgment on interim attorneys' fees and attorneys' costs. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court **SHALL ENTER JUDGMENT in petitioner's favor for \$91,618.51 in interim attorneys' fees generated up to and including January 16, 2013.** Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to

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<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) ("Vaccine Act" or "Act"). All citations in this decision to individual sections of the Act are to 42 U.S.C.A. § 300aa.

<sup>3</sup> Petitioner filed a statement in compliance with General Order No. 9, reflecting her out-of-pocket expenses.

seek review.

**IT IS SO ORDERED.**

s/Patricia E. Campbell-Smith  
Patricia Campbell-Smith  
Chief Special Master