

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

(Filed: June 5, 2007)

DO NOT PUBLISH

_____	)	
WILLIAM MCNEAR,	)	
father and guardian of his son,	)	
WILLIAM HENRY MCNEAR,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 98-0521V
	)	Attorneys' Fees; Attorneys' Costs
SECRETARY OF	)	Personal Expenses
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
_____	)	

**DECISION ON ATTORNEYS' FEES, ATTORNEYS' COSTS AND PERSONAL EXPENSES<sup>1</sup>**

Petitioner, William McNear (Mr. McNear), as guardian of his son, William Henry McNear (Willie), seeks an award of attorneys' fees, attorneys' costs and personal expenses as defined by General Order No. 9 for an action that he pursued successfully under the National Vaccine Injury Compensation Program (Program).<sup>2</sup> Because Mr. McNear received Program compensation, the Act mandates the award of "reasonable attorneys' fees" and "other costs." § 300aa-15(e)(1). The parties stipulate as a matter of fact now that the sum of \$95,548.08 represents a reasonable award for attorneys' fees, attorneys' costs and personal expenses as defined by General Order No. 9 in this case. *See* Stipulation of Fact Concerning Attorney's Fees and Costs (Stipulation of Fact), filed June

<sup>1</sup> 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.*

<sup>2</sup> The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

4, 2007, ¶¶ 2-3. The special master has considered carefully the parties' Stipulation of Fact. Based upon his experience, the special master determines that the Stipulation of Fact is appropriate. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Mr. McNear's favor for \$95,548.08 in attorneys' fees, attorneys' costs and personal expenses as defined by General Order No. 9. The judgment shall provide that Mr. McNear's attorney of record, Clifford J. Shoemaker, Esq. (Mr. Shoemaker), may collect \$69,634.21 from Mr. McNear.<sup>3</sup> Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

s/John F. Edwards  
John F. Edwards  
Special Master

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<sup>3</sup> \$95,548.08 - \$25,913.87 for Mr. McNear's personal expenses as defined by General Order No. 9.