

OFFICE OF SPECIAL MASTERS

(Filed: February 28, 2006)

BRUCE STEARNS,)	
)	
Petitioner,)	
)	
v.)	No. 04-1082V
)	DO NOT PUBLISH
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION ON ATTORNEY’S FEES AND COSTS¹

Petitioner, Bruce Stearns (Mr. Stearns), seeks an award of \$8,922.71 in attorney’s fees and attorney’s costs for an action that he pursued under the National Vaccine Injury Compensation Program (Program). *See* Petition for Attorney’s Fees (Fee Petition), filed February 14, 2006, Exhibit B at 2. Mr. Stearns represents that he did not incur any personal expenses as defined by General Order No. 9. *See* Fee Petition, Exhibit 3 at 1. Respondent does not object. *See* Joint Status Report, filed February 23, 2006, at 2.

Mr. Stearns did not receive Program compensation. Nevertheless, the special master possesses discretion to award attorney’s fees and attorney’s costs. *See* § 300aa-15(e)(1). Based upon his experience, the special master determines that an award of \$8,922.71 for attorney’s fees and attorney’s costs in this case is reasonable and appropriate.

In the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Mr. Stearns’s favor for \$8,922.71. The judgment shall provide that Mr. Stearns’s attorney of record, Jason W. Whitley, Esq. (Mr. Whitley), may collect \$8,922.71, from Mr. Stearns.

¹ 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.*

Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

The clerk of court shall send Mr. Stearns's copy of this decision to Mr. Stearns by overnight express delivery.

John F. Edwards
Special Master