

**OFFICE OF SPECIAL MASTERS**

(Filed: August 29, 2006)

DO NOT PUBLISH

PHYLLIS LUHMANN,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 04-1486V
	)	Attorney's Fees; Attorney's Costs
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
	)	

**DECISION ON ATTORNEY'S FEES AND COSTS<sup>1</sup>**

Petitioner, Phyllis Luhmann (Ms. Luhmann), seeks an award of \$15,434.86 in attorney's fees and attorney's costs for an action that she pursued under the National Vaccine Injury Compensation Program (Program).<sup>2</sup> See Petition for Attorney Fees and Costs (Fee Petition), filed August 17, 2006, at 2. Ms. Luhmann represents that she did not incur any personal expenses as defined by General Order No. 9. See Petitioner's Statement Concerning Costs (Cost Statement), filed August 17, 2006. Respondent does not object. See Status Report, filed August 22, 2006.

Ms. Luhmann received Program compensation. Therefore, the Act mandates an award of reasonable attorney's fees and attorneys' costs in this case. See § 300aa-15(e)(1). The special master has reviewed thoroughly Ms. Luhmann's Fee Petition. Based upon the record as a whole, and based upon his experience, the special master determines that an award of \$15,434.86 in attorney's fees

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<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.

and attorney's costs is appropriate. In the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. Luhmann's favor for \$15,434.86. The judgment shall reflect that Ms. Luhmann's attorney of record, Curtis R. Webb, Esq. (Mr. Webb), may collect \$15,434.86 from Ms. Luhmann. 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 Ms. Luhmann's copy of this decision to Ms. Luhmann by overnight express delivery.

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John F. Edwards  
Special Master