

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS  
No. 8-520V  
Filed: January 31, 2011**

\*\*\*\*\*

|                     |   |                         |
|---------------------|---|-------------------------|
| CLAYTON BROWN,      | * |                         |
|                     | * |                         |
| Petitioner,         | * |                         |
| v.                  | * |                         |
|                     | * | Attorney Fees and Costs |
| SECRETARY OF HEALTH | * |                         |
| AND HUMAN SERVICES, | * |                         |
|                     | * |                         |
| Respondent.         | * |                         |
|                     | * |                         |

\*\*\*\*\*

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

**Vowell**, Special Master:

In this case under the National Vaccine Injury Compensation Program,<sup>2</sup> the special master formerly assigned to this case<sup>3</sup> issued a decision on March 23, 2010, awarding compensation based on a stipulation of the parties. On November 17, 2010, the parties filed a stipulation for attorney fees and costs in this matter. Petitioner separately filed an accounting of his attorney's hours and expenses along with a statement pursuant to General Order #9 on January 21, 2011.

Petitioner is entitled to reasonable attorney fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, I hereby award the total \$31,010.74<sup>4</sup> in the form of a**

---

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

<sup>2</sup> The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

<sup>3</sup> This case was reassigned to me on December 8, 2010.

<sup>4</sup> This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including

**check payable jointly to petitioner, Clayton Brown, and petitioner's counsel, Larry Rosenfeld, for petitioner's attorney fees and costs.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>5</sup>

**IT IS SO ORDERED.**

---

**Denise K. Vowell**  
Special Master

---

costs) that would be in addition to the amount awarded herein. *See generally Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir.1991).

<sup>5</sup> Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. *See Vaccine Rule 11(a)*.