

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS  
No. 07-081V  
Filed: January 14, 2010**

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AUSTIN TAYLOR HUFFMAN, by	*	
SHANNON CELESTE HUFFMAN, his mother	*	
and next friend,	*	Joint Stipulation,
	*	Attorney Fees and Costs
Petitioner,	*	
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
	*	

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**DECISION ON JOINT STIPULATION for  
INTERIM ATTORNEY FEES and COSTS<sup>1</sup>**

**Vowell**, Special Master:

In this case under the National Vaccine Injury Compensation Program (hereinafter “the Program”),<sup>2</sup> petitioner filed a [71] motion for an award of interim attorney fees and costs on November 12, 2009. See *Avera v. Sec’y, HHS*, 515 F.3d 1343, 1352 (Fed. Cir. 2008). On January 8, 2010, counsel for the parties informed the court that they had reached an agreement as to interim fees and costs in this matter.<sup>3</sup> On January 13, 2010, the parties filed a [79] joint stipulation for interim attorney fees

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<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 Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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, 116 Stat. 2899, 2913 (Dec. 17, 2002). 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 agreement obviated the need for respondent to file a response to the motion for interim fees, which was otherwise due on January 8, 2010.

and costs. The stipulation represents an amended request by petitioner with regard to costs incurred and the hours expended by her counsel, Mr. Michael G. McLaren and his law firm, Black, McLaren, Jones, Ryland & Griffiee, P.C. The amended request is for a total of **\$73,000.00**, representing: no costs to petitioner, Shannon Celeste Huffman;<sup>4</sup> all fees incurred by petitioner's counsel through and including October 5, 2009; and all expenses incurred by Petitioner's counsel through and including June 26, 2009. Respondent does not object to the amended fees and costs request.

I find that petitioner is entitled to an award of interim attorney fees and costs under the facts and circumstances of this case. A review of the materials offered in support of the application for interim attorney fees and costs indicates that the stipulated amounts are reasonable. **Accordingly, I hereby award the total of \$73,000.00<sup>5</sup> issued in the form of a check payable jointly to petitioner, Shannon Celeste Huffman, and petitioner's counsel's firm, Black, McLaren, Jones, Ryland & Griffiee, P.C., for attorney fees and costs.**

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 \$73,000.00 in interim attorney fees and costs.<sup>6</sup>

**IT IS SO ORDERED.**

s/ Denise K. Vowell  
**DENISE K. VOWELL**  
Special Master

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<sup>4</sup> Petitioner did not file a statement comporting with General Order 9. However, because any costs personally incurred by petitioner can be addressed in a subsequent award of fees and costs, I have elected to act on this interim application without that statement.

<sup>5</sup> This amount is intended to cover all legal expenses incurred through the dates stated herein. 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 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>6</sup> Entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review. See Vaccine Rule 11(a).