

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 10-623V

Filed: December 29, 2011

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JOHN PASMORE,

\*

Petitioner,

\*

**Special Master Zane**

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v.

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Stipulation; attorneys' fees and costs

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

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Respondent.

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Michael G. McLaren, Black McLaren Jones Ryland & Griffee, P.C., Memphis, TN, for  
Petitioner;

Voris E. Johnson, Jr., United States Dep't of Justice, Washington, D.C., for Respondent.

### DECISION<sup>1</sup>

ZANE, Special Master.

On December 22, 2011, the parties in the above-captioned case filed a Stipulation of Fact Concerning Attorneys' Fees and Costs (Stipulation) memorializing their agreement as to the appropriate amount of attorneys' fees and costs in this case. After informal discussions with Respondent, Petitioner requests a total award of \$17,000.00. In accordance with General Order #9, Petitioner's counsel represents that Petitioner incurred no personal litigation costs. The undersigned awards the amount to which Respondent does not object.

Petitioner, John Pasmore, alleged that the measles-mumps-rubella (MMR) vaccine caused him to suffer an adverse reaction, leading to the formation of lesions, and that he

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<sup>1</sup> The undersigned intends to post this decision on the United States Court of Federal Claims's 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)). 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 ruling will be available to the public. Id.

experienced the residual effects of his injury for more than six months. A decision awarding compensation based upon the parties' stipulation was entered on October 12, 2011.

After reviewing the request, the court finds that the petition was brought in good faith and that there is a reasonable basis for the claim. Although Respondent did not concede the claim, the parties, nonetheless, settled the matter. Further, the court finds that the stipulated amount of \$17,000.00, in attorneys' fees and costs is reasonable based on the stage at which this matter was settled. Based on the request's reasonableness and pursuant to Vaccine Rule 13, the undersigned **GRANTS** the parties' request as outlined in the Stipulation. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

**in a check made payable jointly to Petitioner (John Pasmore) and Petitioner's counsel (Mr. Michael McLaren of Black McLaren Jones Ryland & Griffie, P.C.), in the amount of \$17,000.00.**

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Daria Zane  
Daria J. Zane  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.