

OFFICE OF SPECIAL MASTERS

(Filed: August 26, 2005)

TANYA NOYAKUK,)	
as personal representative)	
of the estate of her daughter,)	
MCKENZY D. ABLOWALUK,)	
)	
Petitioner,)	
)	
v.)	No. 04-1772V
)	DO NOT PUBLISH
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION ON ATTORNEY’S FEES AND COSTS¹

Petitioner, Tanya Noyakuk (Ms. Noyakuk), as personal representative of the estate of her daughter, McKenzy D. Ablowaluk (McKenzy), seeks an award of attorney’s fees and costs for an action that she pursued successfully under the National Vaccine Injury Compensation Program (Program).² Because Ms. Noyakuk received Program compensation, the Act mandates the award of “reasonable attorneys’ fees” and “other costs.” § 300aa-15(e)(1). The parties proffer that an award of \$15,323.55 is appropriate. *See* Joint Status Report, filed August 24, 2005, at 1.

The special master has considered carefully the parties’ proffer. Based upon his experience, the special master determines that the proffer is reasonable. Therefore, in the absence of a motion

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.*

² 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.

for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. Noyakuk's favor for \$15,323.55 in attorney's fees and costs. The judgment shall reflect that Ms. Noyakuk's attorney of record, Ward M. Merdes, Esq. (Mr. Merdes), may collect \$15,323.55 from Ms. Noyakuk.

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

John F. Edwards
Special Master