

OFFICE OF SPECIAL MASTERS

No. 02-398V

Filed: June 22, 2006

unpublished¹

Liana Joele Kinner, a minor, by her parents and natural guardians, MICHAEL KINNER and LAURIE KINNER,

Petitioners,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Vaccine Act Attorneys' Fees

DECISION (ATTORNEYS' FEES)

HASTINGS, Special Master.

On January 26, 2006, the petitioners filed an application for attorneys fees and costs incurred under the National Vaccine Injury Compensation Program. The parties thereafter entered into negotiations concerning this matter, and petitioners ultimately filed a second amended application on June 6, 2006, seeking a total of \$ 19,615.92 for legal representation and litigation costs incurred by the law firm Shoemaker & Associates. On June 21, 2006, the respondent filed a response indicating that respondent has no objection to that amount.

After reviewing the file, I conclude that this amount seems reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

A lump sum of \$ 19,615.92, in the form of a check payable jointly to petitioners and petitioners' counsel, Clifford Shoemaker, on account of petitioners' attorneys' fees and

¹This document will not be sent to electronic publishers as a formally "published" opinion. However, because this document contains a reasoned explanation for my action in this case, I intend to post this document 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). Therefore, 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, this entire document will be available to the public. *Id.* See also 42 U.S.C. § 300aa-12(d)(4)(B).

costs.

In the absence of a timely-filed motion for review of this Decision (see Appendix B, Rules of the United States Court of Federal Claims), the clerk shall enter judgment in accordance herewith.²

/s/George L. Hastings, Jr.

George L. Hastings, Jr.
Special Master

²Based upon the documents filed in this case on June 21, 2006, it appears that respondent and the Shoemaker firm have reached an understanding concerning reasonable rates for members of Mr. Shoemaker's law firm for recent years and for future years. I note that the negotiated rates seem to be reasonable and appropriate. I applaud both respondent and the Shoemaker firm for reaching this understanding. *See also Carr v. HHS*, No. 00-778V, 2006 WL 1073032 (Fed. Cl. Spec. Mstr. Mar. 29, 2006) (similar agreement between respondent and another law firm).