

**In the United States Court of Federal Claims**

**OFFICE OF SPECIAL MASTERS**

**No. 08-284V**

**(Not to be published)**

\*\*\*\*\*

TISHA METTE *and* RYAN R METTE, *parents*  
*and natural guardians of A.P.M., a minor,*

Petitioners,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

\*\*\*\*\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

Filed: December 21, 2015

Decision by Stipulation; Attorney's  
Fees & Costs; Interim Fees.

Robert Joel Krakow, Law Office of Robert J. Krakow, P.C., New York, NY, for Petitioners

Lynn Ricciardella, U.S. Dep't of Justice, Washington, DC, for Respondent

**ATTORNEY'S INTERIM FEES AND COSTS DECISION<sup>1</sup>**

On April 17, 2008, Tisha Mette and Ryan R Mette filed a petition on behalf of their minor child A.P.M. seeking compensation under the National Vaccine Injury Compensation Program. An entitlement hearing was held July 28-29, 2015, and the Parties are still completing post-hearing briefing.

On December 21, 2015, counsel for both parties filed a joint stipulation in regards to interim attorney's fees and costs. The parties have stipulated that Petitioners' counsel should receive a lump sum of \$185,026.52, in the form of a check payable to Petitioners and Petitioners'

---

<sup>1</sup> Because this decision contains a reasoned explanation for my action in this case, I will 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 (Dec. 17, 2002) (current version at 44 U.S.C. § 3501 (2014)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the posted decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the whole decision will be available to the public. (*Id.*)

counsel. This amount represents a sum to which Respondent does not object. In addition, and in compliance with General Order No. 9, Petitioners have represented that they incurred reimbursable costs of \$5,066.90 in proceeding on this petition.

I approve the requested amount for interim attorney's fees and costs as reasonable. Accordingly, an award should be made in the form of:

- a check in the amount of \$185,026.52 payable jointly to Petitioners and Petitioners' counsel, Robert J. Krakow, Esq;
- a check in the amount of \$5,066.90 payable solely to Petitioners.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.<sup>2</sup>

**IT IS SO ORDERED.**

/s/ Brian H. Corcoran  
Brian H. Corcoran  
Special Master

---

<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.