

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**No. 10-816V**  
**(Not to be published)**

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GARRY MEARS,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES

Respondent.

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Filed: January 10, 2014

Decision on Attorney's  
Fees and Costs

**DECISION<sup>1</sup> (ATTORNEY FEES AND COSTS)**

In this case under the National Vaccine Injury Compensation Program,<sup>2</sup> I issue a decision on August 15, 2013. On January 9, 2014, petitioner's counsel, Anne Toale, and respondent's counsel, Jennifer Reynaud, jointly filed a stipulation concerning attorney's fees and costs in this matter.<sup>3</sup> Petitioner's counsel requested a total payment of \$50,774.51, representing attorney's fees and costs of \$50,000.00 and \$774.51 in costs expended by petitioner. The parties' stipulation confirmed that respondent has no objection to the amounts requested.

An award for fees and costs is appropriate at this time, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem 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):

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<sup>1</sup> The undersigned intends 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, § 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" decision will be available to the public. Id.

<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> The stipulation was filed by petitioner's counsel but was signed by counsel for both parties.

- a lump sum of \$50,000.00, in the form of a check payable jointly to petitioner and petitioner's counsel, Anne Carrion Toale, on account of services performed by counsel's law firm.
- a lump sum of \$774.51, in the form of a check payable to petitioner, which represents petitioner's own litigation expenses in this case.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>4</sup>

**IT IS SO ORDERED**

\_\_\_\_\_/s/ George L. Hastings, Jr.  
George L. Hastings, Jr.  
Special Master

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<sup>4</sup> Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.