

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**No. 13-885V**  
**(Not to be Published)**

\*\*\*\*\*

JAMES and VALERIE MYERS, Legal  
Representatives of their minor grandchild, M.M.,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

\*\*\*\*\*

Filed: June 9, 2015

Decision by Stipulation; Interim  
Attorney's Fees and Costs

*Andrew D. Downing*, Phoenix, AZ, for Petitioner.

*Ann Martin*, U.S. Dep't of Justice, Washington, DC, for Respondent.

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

On November 8, 2013, James and Valerie Myers filed a petition on behalf of their minor grandchild, M.M., seeking compensation under the National Vaccine Injury Compensation Program.<sup>2</sup> After Petitioners filed medical records in support of her claim along with an expert report, Respondent filed a Rule 4(c) Report. *See* Respondent's Rule 4(c) Report, dated May 4, 2015 (ECF No. 38) at 18.

---

<sup>1</sup> Because this decision contains a reasoned explanation for my action in this case, it will be posted on the website of the United States Court of Federal Claims, 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 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the inclusion of certain kinds of confidential information. To do so, Vaccine Rule 18(b) provides that each party has fourteen 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 decision will be available to the public. *Id.*

<sup>2</sup> The Vaccine Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (codified as amended at 42 U.S.C. § 300aa-10 to 34 (2006)) [hereinafter "Vaccine Act" or "the Act"]. Individual sections references hereafter will be to § 300aa of the Act.

Petitioners' counsel has now filed an Unopposed Motion to Withdraw as Attorney on June 9, 2015, and the parties simultaneously filed a stipulation regarding interim attorney's fees and costs (Stipulation for Fees, dated June 9, 2015 (ECF No. 42) at 1-2). The parties agree that Petitioners' existing counsel should receive attorney's fees and costs in the amount of \$21,000.00. This sum represents an amount to which Respondent does not object. In addition, and in accordance with General Order No. 9, Petitioners' counsel represents that Petitioners have incurred no litigation costs to date and do not seek reimbursement. *Id.* at 2.

I approve the requested amount for interim attorney's fees and costs as reasonable. Accordingly, an award of \$21,000.00 should be made in the form of a check payable jointly to Petitioners and Petitioners' counsel, Andrew D. Downing. 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>3</sup>

**IT IS SO ORDERED.**

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

---

<sup>3</sup> Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.