

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-567V

Filed: January 29, 2016

* * * * *	UNPUBLISHED
RICHARD YOUNG,	
	Special Master Gowen
Petitioner,	
v.	Attorneys' Fees and Costs
SECRETARY OF HEALTH	
AND HUMAN SERVICES,	
Respondent.	
* * * * *	

Michael G. McLaren, Black McLaren, et al., PC, Memphis, TN, for petitioner.

Gordon E. Shemin, United States Department of Justice, Washington, DC, for respondent.

### **DECISION ON ATTORNEYS' FEES AND COSTS<sup>1</sup>**

On June 3, 2015, Richard Young ("petitioner") filed a petition pursuant to the National Vaccine Injury Compensation Program.<sup>2</sup> 42 U.S.C. §§ 300aa-1 to -34 (2012). Petitioner alleged that, as a result of receiving a Tetanus, Diphtheria, and Acellular Pertussis ("TDap") vaccine on January 17, 2014, he developed Guillain- Barré Syndrome. Petition at Preamble. On December 10, 2015, the undersigned issued a decision awarding petitioner compensation pursuant to the terms of a joint stipulation filed by the parties on December 9, 2015. Judgment entered on December 11, 2015.

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<sup>1</sup> Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002. 44 U.C.S. § 3501 note (2012)(Federal Management and Promotion of Electronic Government Services). 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 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).

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

On January 29, 2016, the parties filed a Stipulation of Fact concerning attorneys' fees and costs. Petitioner requests a total award of attorneys' fees and costs of \$20,000.00. Stip. of Fact ¶ 5. Pursuant to General Order #9, petitioner's counsel also represents that petitioner did not incur any reimbursable out-of-pocket litigation expenses in this matter. Id. at ¶ 4. The parties' stipulation indicates that respondent does not object to the amended amount of \$20,000.00 in attorneys' fees and costs that petitioner is requesting. Id. at ¶ 3.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner's request, the undersigned **GRANTS** the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

**(1) A lump sum of \$20,000.00 in the form of a check payable jointly to petitioner and petitioner's counsel of record, Michael G. McLaren.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance herewith.<sup>3</sup>

**IT IS SO ORDERED.**

**s/ Thomas L. Gowen**

Thomas L. Gowen

Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.