

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

WILLIAM AYSCUE, a minor, *
by his parents LAURA AND RUSSELL * No. 13-125V
AYSCUE, *
Petitioners, * Special Master Christian J. Moran
*
v. * Filed: December 18, 2013
*
SECRETARY OF HEALTH * Attorneys' fees and costs; award
AND HUMAN SERVICES, * in the amount to which
* respondent does not object.
Respondent. *

Michael G. McLaren, Black & McLaren, Memphis, TN, for Petitioner;
Tara J. Kilfoyle, U.S. Department of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On December 16, 2013, respondent filed a stipulation of fact concerning final attorney's fees and costs in the above-captioned matter. Previously, petitioners informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioners' application, respondent raised objections to certain items. Based on subsequent discussions, petitioners amended their application to request \$16,628.03, an amount to which respondent does not object. The Court awards this amount.

On February 19, 2013, Laura and Russell Ayscue, on behalf of their son, William Ayscue, filed a petition for compensation alleging that the haemophilus influenzae type B and Prevnar vaccines, which William received on March 26, 2012, caused him to develop a limp, thigh swelling, myositis, periostitis, left femoral osteomyelitis with febrile illness, and a possible periosteal abscess, and that these injuries resulted in inpatient hospitalization and surgical intervention. Petitioners received compensation based upon

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

the parties' stipulation. Decision, filed August 7, 2013. Because petitioners received compensation, they are entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioners seek a total of **\$16,387.53** in attorneys' fees and costs for her counsel. Additionally, in compliance with General Order No. 9, petitioners state that they incurred out-of-pocket litigation expenses of **\$240.50** while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

- 1. A lump sum of \$16,387.53 in the form of a check made payable to petitioner and petitioner's attorney, Michael G. McLaren of the law firm Black & McLaren, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- 2. A lump sum payment of \$240.50 in the form of a check payable to petitioners, Laura and Russell Ayscue.**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.