

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-241V

(Filed: March 17, 2009)

MICHAEL KIRK and ANNA C. KIRK, *
natural parents and guardians for AVA L. KIRK, *
a minor, *

Petitioners, *

v. *

SECRETARY OF HEALTH AND *
HUMAN SERVICES, *

Respondent. *

Interim Attorney's Fees and
Costs

INTERIM ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Chief Special Master.

Petitioners filed an Interim Petition for Attorney's Fees and Costs on September 25, 2008. On March 16, 2009, the parties contacted the court via telephone. Respondent's counsel after review of petitioner's Interim Petition for Attorneys' Fees and Costs had certain objections. See Respondent's Response in Opposition to Petitioners' Application for Interim Fees and Costs filed October 8, 2008. Petitioners' counsel agreed to reduce the total interim fees and costs request by \$1,200.00 to a total of **\$18,556.13²** in interim attorney's fees and costs. Respondent's

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, 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, 116 Stat. 2899, 2913 (Dec. 17, 2002). 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.

² The parties indicated this amount represents \$3,480.00 in expert costs of which \$1,500 was paid by petitioners and thus is included in petitioners' costs awarded, and the remaining \$1,980 shall be paid to petitioners' expert by petitioners' counsel and thus is included in costs awarded jointly to counsel and petitioners.

counsel indicated he had no objections to petitioners' reduced request for interim attorney's fees and other litigation costs.

Petitioners are entitled to an award of interim attorney's fees and costs. The undersigned determines that there is no just reason to delay the entry of judgment for an award of interim attorney's fees and costs. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk shall enter judgment as follows: **\$18,556.13** in interim attorney's fees and other litigation costs, of which, **\$14,425.00** in attorney's fees and **\$1,999.23** in attorney's costs shall be made payable jointly to petitioners and their attorney. The remaining **\$2,131.90** shall be made payable solely to petitioners. The court thanks the parties for their cooperative efforts in resolving this matter.³

IT IS SO ORDERED.

s/ Gary J. Golkiewicz
Gary J. Golkiewicz
Chief Special Master

³Pursuant 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.