

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

(Filed: July 11, 2008)

DO NOT PUBLISH

_____	)	
BESSIE I. MCGARVEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 07-0622V
	)	Attorney’s Fees; Attorney’s Costs;
SECRETARY OF	)	Personal Expenses
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
_____	)	

DECISION ON ATTORNEY’S FEES, ATTORNEY’S COSTS AND PERSONAL EXPENSES<sup>1</sup>

Petitioner, Bessie I. McGarvey (Ms. McGarvey), seeks an award of attorney’s fees, attorney’s costs and personal expenses as defined by General Order No. 9 for an action that she pursued successfully under the National Vaccine Injury Compensation Program (Program).<sup>2</sup> See generally Stipulation of Fact Concerning Attorneys’ [sic] Fees and Costs (Stipulation of Fact), filed June 24, 2008; see also Motion for Reconsideration of Decision on Attorney’s Fees, Attorney’s Costs and Personal Expenses (Motion), filed July 8, 2008. The parties represent that \$15,250.00 is a reasonable sum for attorney’s fees, attorney’s costs and personal expenses as defined by General Order No. 9. See Motion. The sum represents \$15,000.00 in attorney’s fees and attorney’s costs, and \$250.00 in personal expenses as defined by General Order No. 9. See Motion.

<sup>1</sup> 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 statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

The Act mandates the award of “reasonable attorneys’ fees” and “other costs” because Ms. McGarvey received Program compensation. § 300aa-15(e)(1). The special master has considered carefully the Stipulation of Fact as explained by the Motion. Based upon his experience, the special master determines that the Stipulation of Fact as explained by the Motion is appropriate. Therefore, the special master adopts completely the Stipulation of Fact as explained by the Motion.

In the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. McGarvey’s favor for \$15,250.00. The judgment shall reflect that Ms. McGarvey’s attorney of record, David B. Spalding, Esq. (Mr. Spalding), may collect \$15,000.00 from Ms. McGarvey. Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

The clerk of court shall send Ms. McGarvey’s copy of this decision to Ms. McGarvey by overnight express delivery.

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John F. Edwards  
Special Master