

(“Vaccine Program”).²

Petitioner claims that as a result of the hepatitis B vaccine series he received on September 9, 1993, October 22, 1993, and February 24, 1994, he thereafter experienced flu-like symptoms, joint pain, diarrhea and fever. Pet. at 1, ¶ 3. Petitioner asserts that his symptoms worsened after each vaccination and led to his development of Crohn’s disease. Id. at 1-2, ¶ 3.

On February 14, 2012, the undersigned issued a decision, based on the parties’ stipulation to damages. See Decision Awarding Damages.

On August 14, 2012, petitioner filed his initial application for attorneys’ fees and costs. See Pet’r’s App. for Attorneys’ Fees and Costs.

Thereafter, during informal discussions, respondent raised objections to certain items in petitioner’s initial application. Stip. of Fact Concerning Attorneys’ Fees and Costs at 1, ¶ 3. Based on these discussions, petitioner agreed to amend the requested amount for attorneys’ fees and costs, to which respondent would not object. Id.

On August 28, 2012, the parties filed a stipulation of fact concerning attorneys’ fees and costs. The parties stipulated that a decision should be entered awarding petitioner reimbursement of attorneys’ fees and costs in the total amount of **\$126,000.00**. Id. at ¶ 5.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. § 15(e). Based on the reasonableness of petitioner’s request and respondent’s lack of objection to petitioner’s request, the undersigned **GRANTS** the parties’ stipulation of fact concerning attorneys’ fees and costs.

² 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-10 through § 300aa-34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

The undersigned awards a total of **\$126,000.00** in attorneys' fees and costs.³ Stip. of Fact Concerning Attorneys' Fees and Costs at 1, ¶ 5.

In the absence of a motion for review filed pursuant to RCFC Appendix B,⁴ the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of:

- **\$125,565.09** for **attorneys' fees and costs, payable jointly to petitioner and petitioner's attorney of record**; and
- **\$434.91** for **petitioner's costs, payable solely to petitioner.**

The judgment shall reflect that **Shoemaker, Gentry & Knickelbein** may collect **\$125,565.09** from petitioner. Petitioner may retain **\$434.91** for costs borne by petitioner.

Furthermore, the filing deadline for respondent to file a **response** to petitioner's application for attorneys' fees and costs, **August 31, 2012**, is **RENDERED MOOT**.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Chief Special Master

³ This award is intended to cover all legal expenses incurred in this matter and contemplates **attorneys' fees** in the amount of **\$98,411.33** and **attorneys' costs** in the amount of **\$27,153.76, payable jointly to petitioner and petitioner's attorney of record.** Stip. of Fact Concerning Attorneys' Fees and Costs at 1, ¶ 3.

This award is also intended to cover all reimbursable out-of-pocket expenses pursuant to General Order No. 9 and contemplates reimbursable out-of-pocket costs of **\$434.91, payable solely to petitioner.** Id. at ¶ 4.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

NATHAN HOUSE,

Petitioner,

v.

**SECRETARY OF HEALTH
AND HUMAN SERVICES,**

Respondent.

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ECF

No. 99-406V
Chief Special Master
Campbell-Smith

STIPULATION OF FACT CONCERNING ATTORNEYS' FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. Clifford J. Shoemaker is the attorney of record for petitioner, Nathan House. Mr. Shoemaker has been practicing law in since 1977 in the areas of drug and product liability, personal injury, and vaccine injuries. Other associates with Mr. Shoemaker's firm also performed substantial work in this case.
2. Petitioner filed his initial Attorneys' Fees and Costs Application with the Court on August 14, 2012.
3. In informal discussions, respondent raised objections to certain items in petitioner's initial application. Based on these discussions, petitioner amended his Application for Attorneys' Fees and Costs in this matter to request reimbursement for Attorneys' Fees in the amount of \$98,411.33, and Costs to Shoemaker, Gentry & Knickelbein in the amount of \$27,153.76.
4. In addition, petitioner personally incurred costs of \$434.91 in this proceeding.
5. The parties now agree that a decision should be entered awarding petitioner reimbursement of Attorneys' Fees and Costs in the total amount of \$126,000.00, as described in paragraphs 3 & 4 of this stipulation.

Respectfully submitted,

ATTORNEY OF RECORD FOR
PETITIONER:

s/Clifford J. Shoemaker by s/Renee J. Gentry
CLIFFORD J. SHOEMAKER, ESQ.
SHOEMAKER, GENTRY & KNICKELBEIN
9711 Meadowlark Road
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Tel: (703) 281-6395

Dated: August 28, 2012

ATTORNEY OF RECORD FOR
RESPONDENT:

s/Lisa A. Watts
LISA A. WATTS
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Dated: August 28, 2012