

this time. Id. at ¶ 4. The stipulation provides that:

Nothing in this Stipulation, including the amount set forth in paragraph 3, should be construed as an admission, concession, or waiver by either party as to any of the matters raised by Petitioners' Application for Attorneys' Fees and Costs, including but not limited to the hourly rates requested, the number of hours requested, and other litigation-related costs.

Id. at ¶ 5. The parties agree that the interim amount of \$250,000.00 will be deducted from the final award of attorneys' fees and costs issued at the conclusion of this case. Id. at ¶ 8.

The undersigned finds that petitioner is entitled to an award of interim attorneys' fees and costs under the facts and circumstances of this case and that the agreed upon amount is reasonable. See Shaw v. Sec'y of Health & Human Servs., 609 F.3d 1372, 1375 (Fed. Cir. 2010) (holding that "[w]here the claimant establishes that the cost of litigation has imposed an undue hardship and that there exists a good faith basis for the claim, it is proper for the special master to award interim attorneys' fees"); Avera v. Sec'y of Health & Human Servs., 515 F.3d 1343, 1352 (Fed. Cir. 2008).

Accordingly, the undersigned hereby awards a total of \$250,000.00 in the form of a check payable jointly to petitioners and petitioners' counsel, Anne Carrión Toale, for interim attorneys' fees and costs.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

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