

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

(Filed: August 1, 2007)

DO NOT PUBLISH

CHARLENE FRENCH,)	
)	
Petitioner,)	
)	
v.)	No. 05-1213V
)	Attorneys' Fees; Attorneys' Costs;
SECRETARY OF)	Personal Expenses
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	

DECISION ON ATTORNEYS' FEES, ATTORNEYS' COSTS AND PERSONAL EXPENSES¹

Petitioner, Charlene French (Ms. French), seeks an award of \$11,607.06 in attorneys' fees, attorneys' 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).² See Petitioner's Petition for Reimbursement of Attorneys' Fees and Costs (Fee Petition), filed July 27, 2007, at 2. Ms. French's current attorney of record, David L. Terzian, Esq. (Mr. Terzian), claims \$10,000.00 in attorneys' fees and attorneys' costs. See Fee Petition at 2. Ms. French's initial attorney of record, Bruce Nelson, Esq. (Mr. Nelson), claims \$1,457.06 in attorneys' fees and attorneys' costs. See Fee Petition at 2. Ms. French claims \$150.00 in personal expenses as defined by General Order No. 9. See Fee Petition at 2. Respondent does not object. See Fee Petition at 1.

¹ 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 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. French received Program compensation. § 300aa-15(e)(1). The special master has considered carefully Ms. French’s Fee Petition. The special master determines that the Fee Petition is appropriate.

In the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. French’s favor for \$11,607.06. The judgment shall provide that Mr. Terzian may collect \$10,000.00 from Ms. French. In addition, the judgment shall provide that Mr. Nelson may collect \$1,457.06 from Ms. French. 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. French’s copy of this decision to Ms. French by overnight express delivery.

John F. Edwards
Special Master