

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 01-0500V

Filed: July 13, 2012

Not to be Published

BENJAMIN LOGAN ASKER, *
by his father and natural guardian, *
ALBERT ASKER, *

Autism; Attorneys' Fees and Costs

Petitioner, *

v. *

SECRETARY OF HEALTH AND *
HUMAN SERVICES *

Respondent. *

DECISION AWARDING ATTORNEYS' FEES AND COSTS ¹

On July 13, 2012, petitioner filed an unopposed motion² for award of final attorneys' fees and reimbursement of costs in this case. Petitioner is entitled to reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1). Respondent has reviewed the motion and does not object. Petitioner seeks attorneys' fees and costs in the amount of \$3,730.00 for Conway, Homer & Chin-Caplan, P.C. and an additional

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

² On June 8, 2012, petitioner filed both an unopposed motion for attorneys' fees and costs and a motion for attorneys' fees and costs for petitioner's former counsel, Shoemaker and Associates. In this amended, unopposed motion for attorneys' fees and costs, petitioner indicates that petitioner's previous counsel, Shoemaker and Associates, will not file a motion for attorneys' fees and costs in this case. Petitioner's Motion filed July 13, 2012 at 4 n.3.

\$200.00 for work performed by Williams Kherkher for a total amount of \$3,930.00. In lieu of filing a Vaccine General Order #9 statement, petitioner's counsel represents that he will reimburse petitioner any costs that petitioner personally incurred that are compensable under § 15 (e)(1).

The request for attorneys' fees and costs is granted. Petitioner is awarded reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1), as I find that the petition was brought in good faith and upon a reasonable basis, and the amounts requested are reasonable and appropriate.

Pursuant to §15(e), I award a lump sum of \$3,930.00³ to be paid in the form of a check payable jointly to the petitioner and petitioner's counsel, Conway, Homer & Chin-Caplan, P.C.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the Clerk of the court shall enter judgment in accordance herewith.⁴

IT IS SO ORDERED.

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

³ This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, § 15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See generally Beck v. Sec'y of Dep't Health and Human Services, 924 F.2d 1029 (Fed. Cir.1991).

⁴ Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).