

**In the United States Court of Federal Claims**

**OFFICE OF SPECIAL MASTERS**

No. 02-1392V

December 14, 2010

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RANDY and PAM  
COYNE, as legal representatives of  
their natural son CARSON COYNE

Petitioners,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

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Curtis Webb for petitioners, Twin Falls, Idaho

Linda Renzi for respondent, Washington, DC

Attorneys' Fees and Costs;  
Hepatitis B; Autism;  
Omnibus Autism Proceeding  
Theory Two; Decision on the  
Record

**ATTORNEYS' FEES AND COSTS DECISION<sup>1</sup>**

On October 11, 2002, Randy and Pam Coyne ["petitioners"] filed a Petition for Vaccine Compensation in the National Vaccine Injury Compensation Program ["the

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<sup>1</sup> The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.L.No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to file a motion for 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). In the absence of such motion, "the entire" decision will be available to the public. Id.

Program”],<sup>2</sup> on behalf of their son, Carson Coyne [“Carson”]. The petition seeks compensation for injuries allegedly related to Carson’s receipt of the hepatitis B vaccine on October 12, 1999.<sup>3</sup> Petitioners allege that Carson sustained a vaccine-related injury which presented initially as seizures and subsequently developed into autism. On December 14, 2010, a decision denying entitlement was issued.

On November 12, 2010, petitioners filed a motion for Attorney Fees and Costs (Fee Pet.). Petitioners’ counsel sought an award of \$14,923.83 in attorneys’ fees and costs of which \$13,959.00 were attorneys’ fees, and \$964.83 were costs incurred by petitioners.

Of the mistaken view that petitioners’ counsel had a large number of autism cases in the omnibus autism proceeding (OAP), respondent’s counsel initially objected to petitioners’ counsel’s request for fees.<sup>4</sup> Upon learning that petitioners’ counsel has only three OAP cases, and after reviewing petitioners’ counsel’s requested fees and costs, respondent’s counsel notified the undersigned’s chambers on December 3, 2010, that she would not object to petitioners’ counsel’s request for attorneys’ fees.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioners’ request and on respondent’s counsel’s agreement not to object to petitioners’ counsel’s fee request, the undersigned **GRANTS** the attorneys’ fees and costs as outlined in petitioners’ motion for fees and costs.

The undersigned awards petitioners \$14,923.83 in fees and costs. Petitioners are entitled to an award of final attorneys’ fees and petitioners’ costs. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioners’ favor in the amount of \$14,923.83 in attorneys’ fees and petitioners’ costs.<sup>5</sup> The judgment shall reflect that the Webb, Webb & Guerry

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<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

<sup>3</sup> The received hepatitis vaccine was the third in the hepatitis series.

<sup>4</sup> Because respondent’s counsel believed petitioners’ counsel had more cases in the OAP than he does, counsel believed that the anticipated ADR guidance regarding fees for counsel having more than one hundred OAP cases would be instructive in this case.

<sup>5</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of notice renouncing the right to seek review.

firm may collect \$13,959.00 from petitioners. Petitioners may retain \$964.63 for costs borne by petitioners.

**IT IS SO ORDERED.**

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