

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
(Filed: March 2, 2011)

DANA IONESCU, as the mother and legal representative of her minor daughter, EMMA IONESCU)	
)	UNPUBLISHED
)	
Petitioner,)	Attorneys' Fees and Costs; Reasonable Amount Requested to which Respondent Does Not Object
)	
v.)	No. 09-192V
)	Special Master Campbell-Smith
SECRETARY OF HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

Curtis Webb, Twin Falls, ID, for petitioner

Chrysovalantis Kefalas, Washington, DC, for respondent

ATTORNEYS' FEES AND COSTS DECISION¹

CAMPBELL-SMITH, Special Master

On March 30, 2009, petitioner, Dana Ionescu, filed a petition seeking compensation under the National Vaccine Injury Compensation Program (“the Vaccine

¹ The undersigned intends 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, 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”).²

The parties have reached a tentative litigative risk settlement in the above-captioned case, pending final agreement between respondent and the State of Florida on its Medicaid lien.

On February 25, 2011, petitioner’s counsel filed a Petition for Attorneys’ Fees and Costs. See Petition for Attorneys’ Fees and Costs (Fee App.). The application reflects the fact that the parties have conferred and were able to determine a reasonable amount of attorneys’ fees and costs to which respondent would agree not to object. See Fee App. at 2.

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 petitioner’s request and respondent’s counsel’s lack of objection to petitioner’s counsel’s fee request, the undersigned **GRANTS** petitioner’s counsel’s revised application for attorneys’ fees and costs.

The undersigned awards a total of \$29,000.00 in attorneys’ fees and costs.³ In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGEMENT** in petitioner’s favor in the amount of \$29,000.00 in attorneys’ fees and attorneys’ costs.⁴ The judgment shall reflect that Curtis Webb may collect \$29,000.00 from petitioner.

IT IS SO ORDERED.

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

² The Program comprises 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 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

³ Petitioner’s counsel filed a General Order No. 9 in this case on petitioner’s behalf indicating that petitioner had no out-of-pocket expenses.

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.