

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

(Filed: July 28, 2011)

RAYMOND PATE, JR. and NANCY PATE,)	
Parents and Natural Guardians of MARISSA)	
ELIZABETH PATE, a Minor,)	
)	Joint Stipulation Regarding
)	Attorneys' Fees and Costs;
Petitioners,)	Omnibus Autism Proceeding
)	
)	
v.)	
)	
SECRETARY OF THE DEPARTMENT OF)	No. 03-660V
HEALTH AND HUMAN SERVICES,)	
Respondent.)	
)	

ATTORNEYS' FEES AND COSTS DECISION¹

On March 27, 2003, petitioners filed a claim for compensation on behalf of their daughter, Marissa, in the National Vaccine Injury Compensation Program (“the Program”). The undersigned issued a decision in this case on April 06, 2011.

On July 27, 2011, petitioners’ counsel filed an amended motion for attorneys’ fees and costs. Petitioners’ counsel indicated that respondent does not oppose petitioners’ amended motion for attorneys’ fees and costs. The petitioners’ counsel request a lump sum of \$11,000.00, in the form of a check payable to petitioners and the law firm of petitioners’ attorney, Bingham McHale, LLP, for attorneys’ fees and costs.² This amount

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, 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 request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or 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 In lieu of a statement from petitioners that complies with General Order No. 9, petitioner’s counsel has represented that she will reimburse petitioners for any personal

represents a sum to which respondent does not object.

The undersigned approves the requested amount for attorneys' fees and costs as reasonable. Accordingly, an award should be made in the form of a check payable jointly to petitioners and Patrick Elward of Bingham McHale LLP, in the amount of \$11,000.00. 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/Patricia E. Campbell-Smith
Patricia Campbell-Smith
Chief Special Master

litigation costs compensable under the Vaccine Act from the award of attorneys' fees and costs in this case.

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.