

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 02-1969V

Filed: September 27, 2011

**JEAN M. WHELAN, Parent of DANIEL
JOSEPH WHELAN,**

Petitioner,

v.

**SECRETARY OF HEALTH AND HUMAN
SERVICES**

Respondent.

UNPUBLISHED DECISION

Autism; Attorneys' Fees and Costs;
Omnibus Autism Proceeding

ATTORNEYS' FEES AND COSTS DECISION¹

On December 26, 2002, petitioner filed a claim for compensation on behalf of her son, Daniel, in the National Vaccine Injury Compensation Program ("the Program"). The undersigned issued a decision in this case on August 23, 2011.

On September 27, 2011, petitioner filed an unopposed motion for an award of attorneys' fees and costs in this case. Petitioner is entitled to reasonable attorney's fees and costs pursuant to §§ 15(b) and (e)(1). Respondent has reviewed the motion and does not object. Petitioner seeks attorney's fees and costs in the amount of \$2,517.05, in the form of a check payable to petitioner and petitioner's attorney, David

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.

M. Noonan.² This amount represents a sum to which respondent does not object.

The undersigned approves the requested amount for attorney's fees and costs as reasonable. Accordingly, an award should be made in the form of a check payable jointly to petitioner and petitioner's attorney, David M. Noonan, in the amount of \$2,517.05.³ 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.⁴

IT IS SO ORDERED.

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

² In lieu of a statement from petitioner that complies with General Order No. 9, petitioner's counsel has represented that he will reimburse petitioner for any personal litigation costs compensable under the Vaccine Act from the award of attorneys' fees and costs in this case.

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 Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.