

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 02-0152V

Filed: July 28, 2011

Not to be Published

TIMOTHY DEAN MCCOY,
by his next friends and parents
ANN HEINKE and DAVID MCCOY

Petitioners,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Attorneys' Fees and Costs;
Unopposed Motion for Same

DECISION AWARDING ATTORNEYS' FEES AND COSTS ¹

On July 25, 2011, petitioners filed an unopposed motion for award of final attorneys' fees and reimbursement of costs in this case. Petitioners are entitled to reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1). Respondent has reviewed the motion and does not object. Petitioners seek a total amount of \$9,079.49 for attorneys' fees and costs jointly payable to petitioners and petitioners' counsel, Richard Gage. In lieu of filing a Vaccine General Order #9 statement, petitioners' counsel represents that petitioners' costs are \$0.²

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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 Petitioners' counsel attached a statement showing the breakdown of fees and costs to the unopposed motion at Tab A. This statement shows the client costs to be \$0.

The request for attorneys' fees and costs is granted. Petitioners are 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 total amount of \$9,079.49.³ This award shall be in the form of one check for \$9,079.49, payable jointly to the petitioners and petitioners' counsel, Richard Gage.

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).