

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

(Filed: April 3, 2007)

DO NOT PUBLISH

ENGRACIA GUTSTADT,)
mother and next friend of her daughter,)
AMBER GUTSTADT,)
)
Petitioner,)
)
v.)
)
SECRETARY OF)
HEALTH AND HUMAN SERVICES,)
)
Respondent.)

No. 03-2683V
Attorneys' Fees; Attorneys' Costs;
Personal Expenses

DECISION¹

Petitioner, Engracia Gutstadt (Ms. Gutstadt), as next friend of her daughter, Amber Gutstadt (Amber), seeks an award of attorneys' fees, attorneys' costs and personal expenses as defined by General Order No. 9 for an action that she pursued successfully under the National Vaccine Injury Compensation Program (Program).² In an amended application for fees and costs that she filed on March 30, 2007, Ms. Gutstadt requests \$46,592.84 in attorneys' fees; \$19,430.38 in attorneys' costs; and \$83.64 in personal expenses as defined by General Order No. 9. *See* Petitioner's Amended Application for Fees and Costs (Amended Fee Petition), filed March 30, 2007. Respondent does not object. *See* Amended Fee Petition.

¹ 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 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). Otherwise, "the entire decision" will be available to the public. *Id.*

² The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

Because Ms. Gutstadt received Program compensation, the Act mandates the award of “reasonable attorneys’ fees” and “other costs.” § 300aa-15(e)(1). The special master has considered carefully Ms. Gutstadt’s Amended Fee Petition. The special master determines that the Amended Fee Petition is appropriate.

In the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. Gutstadt’s favor for \$66,106.86 in attorneys’ fees, attorneys’ costs and personal expenses as defined by General Order No. 9.³ The judgment shall provide that Ms. Gutstadt’s attorney of record, Ronald C. Homer, Esq. (Mr. Homer), may collect \$59,745.14 from Ms. Gutstadt.⁴ In addition, the judgment shall provide that Ms. Gutstadt’s former counsel, Scott Young, Esq. (Mr. Young), may collect \$6,278.08 from Ms. Gutstadt.⁵ Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

The clerk of court shall send Ms. Gutstadt’s copy of this decision to Ms. Gutstadt by overnight express delivery.

John F. Edwards
Special Master

³ \$46,592.84 in attorneys’ fees + \$19,430.38 in attorneys’ costs + \$83.64 in personal expenses as defined by General Order No. 9.

⁴ \$40,574.09 in attorneys’ fees + \$19,171.05 in attorneys’ costs. *See* Amended Fee Petition.

⁵ \$6,018.75 in attorney’s fees + \$259.33 in attorney’s costs. *See* Amended Fee Petition.