

OFFICE OF SPECIAL MASTERS

(Filed: March 2, 2006)

ROBERT MALECKY and LINDA MALECKY,)	
as natural parents of their daughter,)	
MARGARET MALECKY,)	
)	
Petitioners,)	
)	
v.)	No. 02-1461V
)	DO NOT PUBLISH
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION ON ATTORNEYS' FEES AND ATTORNEYS' COSTS¹

Petitioners, Robert Malecky and Linda Malecky (the Maleckys), as natural parents of their daughter, Margaret Malecky (Margaret), seek an award of \$61,306.22 in attorneys' fees and attorneys' costs for an action that they pursued successfully under the National Vaccine Injury Compensation Program (Program).² *See* Motion for Award of Attorney's Fees and Expenses (Fee Petition), filed February 27, 2006, at 2 ("Summary"). The Maleckys represent that they did not incur any personal expenses as defined by General Order No. 9. *See* Fee Petition, Exhibit B. Respondent does not object. *See* Joint Status Report, filed February 22, 2006.

Because the Maleckys received Program compensation, the Act mandates the award of "reasonable attorneys' fees" and "other costs." § 300aa-15(e)(1). The special master has reviewed

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.

carefully the Fee Petition. Based upon his experience, he determines that the 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 the Maleckys' favor for \$61,306.22. The judgment shall provide that the Maleckys' attorney of record, Heather J. Lipson, Esq. (Ms. Lipson), may collect \$61,306.22 from the Maleckys. 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 the Maleckys' copy of this decision to the Maleckys by overnight express delivery.

John F. Edwards
Special Master