

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 09-0444V

Filed: October 27, 2011

NOT TO BE PUBLISHED

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CHRISTIAN D. GAMBAL, a minor,  
by his parents and natural guardians,  
RAMIL I. GAMBAL and MA C. VALERIO,

Petitioners,

v.

SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Autism; Attorneys' Fees and  
Costs

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## DECISION<sup>1</sup>

### **GOLKIEWICZ, Special Master.**

The parties filed a Stipulation of Facts Concerning Attorneys' Fees and Costs (Stipulation) on October 21, 2011. The parties' Stipulation indicated petitioners filed an Application for Attorneys' Fees and Costs on or about September 6, 2011. The parties' Stipulation further indicated after informal discussions with respondent, petitioners'

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<sup>1</sup>Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post this decision on the United States Court of Federal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, § 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 § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, the undersigned agrees that the identified material fits within the requirements of that provision, such material will be deleted from public access.

counsel agreed to reduce his request to a total of **\$3,620.30** in attorneys' fees and costs. Respondent's counsel indicated that respondent does not oppose petitioners' reduced request for attorneys' fees and other litigation costs. In lieu of filing a Vaccine General Order 9 statement, pursuant to the stipulation petitioners' counsel agrees to reimburse petitioners any costs that petitioners personally incurred that are compensable under the Vaccine Act.

**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)**, the court awards **\$3,620.30**<sup>2</sup> in attorneys' fees and other litigation costs, which shall be made payable jointly to petitioners and petitioners' counsel, Eric J. Konecke. The court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.<sup>3</sup>

**IT IS SO ORDERED.**

s/Gary J. Golkiewicz  
Gary J. Golkiewicz  
Special Master

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<sup>2</sup> 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).

<sup>3</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.