

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 02-791V

Filed: October 7, 2011

NOT TO BE PUBLISHED

JOHN SETNES and ELIZABETH SETNES, *
as parents and natural guardians, on behalf of *
their minor son AUSTIN J. SETNES, *

Petitioners, *

Attorneys' Fees and Costs

v. *

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

DECISION¹

GOLKIEWICZ, Special Master.

Petitioners filed a Motion for Attorneys' Fees and Costs on February 8, 2011 (Petitioners' Motion). Respondent's counsel and petitioners' counsel conveyed to the court on October 5, 2011 that respondent's counsel had reviewed Petitioners' Motion and had certain objections to petitioners' request for fees and costs. Petitioners' counsel agreed to reduce her request to a total

¹Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post this decision on the United States Court of Federal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.

of \$52,355.26 in attorneys' fees and costs. Respondent's counsel indicated he had no objection to petitioners' reduced request for attorneys' fees and other litigation costs.

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 **\$52,355.26** in attorneys' fees and other litigation which shall be made payable jointly to petitioners and petitioners' counsel, the Lommen Abdo Law Firm. The court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

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

²Pursuant 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.