

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 03-2676V

JOSEPH ACREE and
ELIZABETH ACREE, parents of
Joseph Bryan Acree, a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

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Filed: January 20, 2011

Decision on attorneys fees and costs

DECISION¹ (ATTORNEYS' FEES AND COSTS)

On April 19, 2010, the petitioners submitted an application seeking an interim award of attorneys' fees and costs incurred in this case filed under the National Vaccine Injury Compensation Program. That application seeks a total of \$ 17,599.98, representing \$16,167.00 in fees for services performed by petitioners' counsel's law firm, and \$1,432.98 in costs expended by that counsel's firm.

On January 14, 2011, petitioners filed a Motion to convert the interim attorneys' fees and costs application to a final application for attorneys' fees and costs. On January 19, 2011, petitioners' counsel, James Ferrell, and respondent's counsel, Linda Renzi, participated in a joint telephonic conference with my law clerk, Joseph Lowe. During that conference, Ms. Renzi stated that respondent has no objection to such a conversion. Accordingly, petitioners' Motion is GRANTED, and the application filed on April 19, 2010, will constitute petitioners' final application for attorneys' fees and costs.

¹The 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, 116 Stat. 2899, 2913 (Dec. 17, 2002). 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.

During that same telephone conference, James Ferrell and Linda Renzi reported that the parties have discussed the petitioners' application and petitioners have agreed to reduce certain fees and costs. Respondent has no objection to the newly-proposed amount, a total of \$12,932.98, representing \$11,500.00 in attorneys' fees, and \$1,432.98 in attorneys' costs.

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. The proposed amount seems reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1): a lump sum of \$12,932.98, in the form of a check payable jointly to petitioners and petitioners' counsel, James Ferrell.

In the absence of a timely-filed motion for review of this Decision (see Appendix B, Rules of the United States Court of Federal Claims), the clerk shall enter judgment in accordance herewith.

IT IS SO ORDERED.

/s/ George L. Hastings, Jr.
George L. Hastings, Jr.
Special Master