

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 04-1219V
(Not to be published)

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LYNN NOTGRASS, as parent
of N.N., a minor,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

Filed: October 26, 2011

Autism; Decision on
Attorneys' Fees and Costs

* * * * *

DECISION¹ (ATTORNEY FEES AND COSTS)

In this case under the National Vaccine Injury Compensation Program,² I issued a decision on February 14, 2011, dismissing this case. On September 27, 2011, the parties filed a stipulation concerning attorneys' fees and costs in this matter. The parties' stipulation requests a total payment of \$73,500.00, representing all attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e). This amount includes \$5,000.00 to compensate petitioner for fees and costs incurred for case-specific work performed on the *Notgrass* case, as well as \$68,500.00 to

¹ 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)). 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 applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

compensate the Maglio, Christopher and Toale law firm for non-case-specific work performed as a consequence of the firm's participation in the Omnibus Autism Proceeding. In lieu of filing a Vaccine General Order 9 statement, petitioner's counsel agrees to reimburse petitioner any costs that petitioner personally incurred that are compensable under § 15(e)(1).

I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem reasonable and appropriate. **Accordingly, I hereby award the total \$73,500.00 as a lump sum in the form of a check payable jointly to petitioner, and petitioner's counsel, Altom M. Maglio.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.

IT IS SO ORDERED

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

