

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 00-0176V

Filed: April 9, 2012

Not to be Published

TAMMY SHARP,
Individually and as Next Friend of
DANIEL SHARP,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

Autism; Attorneys' Fees and Costs

DECISION AWARDING ATTORNEYS' FEES AND COSTS ¹

On April 4, 2012, the parties filed a Joint Stipulation of Fact Concerning Attorneys' Fees and Costs. The parties stipulate to an award of \$12,476.73 for attorneys' fees and costs in this case.² In lieu of filing a Vaccine General Order #9

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

² On March 9, 2012, petitioner's counsel filed a motion for attorneys' fees and costs indicating an agreed upon amount of \$3,580.00 for work performed by Conway, Homer & Chin-Caplan and \$200.00 for work performed by Williams Kherkher law firm for a total of \$3,780.00. That motion also indicated that an application for attorneys' fees and costs for petitioner's previous counsel, Marc Whitehead & Associates, would be "filed with the court *posthaste*." Petitioner's Motion filed March 9, 2012 at 4-5 n.3. The amount in this stipulation includes the amount in the earlier motion, the amount agreed upon by the parties for work performed by Marc Whitehead & Associates, and petitioner's costs.

statement, petitioners' counsel represents that he will reimburse petitioners any costs that petitioners personally incurred that are compensable under § 15 (e)(1).

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), I award a lump sum of \$12,476.73³ to be paid in the form of a check payable jointly to the petitioners and petitioners' counsel, Conway, Homer, & Chin-Caplan, P.C.

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.⁴

IT IS SO ORDERED.

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

³ 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).

⁴ Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).