

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 04-0260V

RANDALL D. BAILEY and
JENNELL S. BAILEY, parents of
Joel K. Bailey, a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

Filed: July 13, 2010

DECISION¹ (ATTORNEYS' FEES AND COSTS)

On June 4, 2010, the petitioners submitted an application seeking an award for attorneys' fees and costs incurred in this case filed under the National Vaccine Injury Compensation Program. That application seeks a total of \$ 9,769.64, representing \$7,692.64 in fees for services performed by petitioners' counsel's law firm, and \$2,076.39 in costs expended by that counsel's firm. In accordance with General Order #9, petitioners also filed a "Statement," on July 2, 2010, declaring that they had incurred no costs in this matter.

Petitioners' counsel, Thomas Powers, and respondent's counsel, Lynn Ricciardella, contacted a member of my staff telephonically, on July 12, 2010, to report that the parties have discussed the petitioners' application and petitioners have agreed to reduce certain fees and costs. Respondent has no objections to the amount proposed, a total of \$8,792.13 for both 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.

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 \$8,792.13, in the form of a check payable jointly to petitioners and petitioners' counsel, Thomas Powers.

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