

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-364V

Filed: July 31, 2012

_____)	
BRIAN BEEKS and CATHARINE)	
BEEKS, parents of minor child,)	
BENJAMIN LEE BEEKS,)	
)	NOT TO BE PUBLISHED
Petitioners,)	
)	
v.)	Attorneys' fees and costs;
)	personal litigation costs;
SECRETARY OF)	award in the amount to which
HEALTH AND HUMAN SERVICES,)	respondent does not object
)	
Respondent.)	
_____)	

David P. Murphy, David Murphy, Esq., Greenfield, IN for Petitioners;
Michael P. Milmo, United States Dep't of Justice, Washington, D.C., for Respondent.

DECISION ON FEES AND COSTS¹

LORD, Special Master.

On July 30, 2012, Petitioners Brian and Catharine Beeks, as parents of their minor child, Benjamin Lee Beeks, filed an application for reasonable attorneys' fees and costs. Verified Petition for Fees and Expenses, ECF No. 28. Petitioners seek a total award of \$10,320.63 in attorneys' fees and costs, which amount includes \$8,250.00 in fees and \$2,070.63 in costs. Additionally, in accordance with General Order #9, Petitioners filed a Statement representing that they incurred \$2,000.00 in personal litigation costs. Respondent does not object to this application for attorneys' fees and costs.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the Court finds the requested amount of \$10,320.63 in attorneys' fees and costs and \$2,000.00 in Petitioners' out-of-pocket expenses to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in Petitioners' application.

¹ In accordance with Vaccine Rule 18(b), petitioner has 14 days to file a proper motion seeking redaction of medical or other information that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Redactions ordered by the special master, if any, will appear in the document as posted on the United States Court of Federal Claims' website.

Accordingly, pursuant to Vaccine Rule 13, Petitioners are awarded a total of **\$12,320.63** in attorneys' fees and costs and out-of-pocket litigation costs. The judgment shall reflect that Petitioners are awarded final fees and costs as follows:

(1) A lump sum of \$10,320.63 in the form of a check payable jointly to Petitioners and Petitioners' counsel, David P. Murphy, Esq., for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e); and

(2) A lump sum of \$2,000.00 in the form of a check payable to Petitioners only for personal litigation costs.

The Court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
Special Master

² Pursuant 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.