

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 09-73 V

Filed: March 9, 2011

Not for Publication

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SHANNON NELSON, \*

Petitioner, \*

v. \*

SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

Ronald C. Homer, Boston, MA, for petitioner.

Voris E. Johnson, Jr., Washington, DC, for respondent.

Decision on Supplemental Attorneys' Fees

**MILLMAN, Special Master**

### **DECISION AWARDING SUPPLEMENTAL ATTORNEYS' FEES<sup>1</sup>**

On February 8, 2011, Petitioner filed a supplemental application for attorneys' fees pursuant to 42 U.S.C. 300aa-15(e) and Rule 13 of the U.S.C.F.C. Vaccine Rules. In this application, Petitioner requested \$2,252.60 in supplemental attorneys' fees, and attached supporting documentation to substantiate the request.

In Petitioner's fee application, she requests \$300.00 per hour for Attorney Ronald Homer, \$208.00 per hour for Attorney Amy Fashano, \$300.00 per hour for Attorney Sylvia Chin-Caplan,

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to delete such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

and \$330.00 per hour for Attorney Kevin Conway. She also requests \$105 per hour for paralegal work.

The rates requested by Petitioner are reasonable given her attorneys' experience and knowledge of the Vaccine program. Mr. Conway, Mr. Homer, and Ms. Chin-Caplan are all seasoned litigators with extensive Vaccine Act experience, which justifies their higher rates. Ms. Fashano does not have many years of litigation experience, but she has handled numerous vaccine cases in this program, and I find her rate of \$220.00 to be justified. Petitioner's attorneys collectively spent only 9.5 hours reviewing Respondent's objections, communicating with Respondent's attorney and with the court, preparing for and attending a telephonic status conference, and drafting a response to a court order. I find the rates requested and time expended to be reasonable.

I should note that Respondent has not filed an objection to Petitioner's supplemental fee request, and Respondent's counsel has taken the stance of taking no position at all in response to this application.

The court hereby awards **\$2,252.60**, representing attorneys' supplemental fees. The award shall be in the form of one check, made jointly payable to Petitioner and the law firm of Conway, Homer & Chin-Caplan, P.C.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: March 9, 2011

/s/ Laura D. Millman

Laura D. Millman  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.