

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**  
**OFFICE OF SPECIAL MASTERS**

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BEVERLY HARWELL,	*	
	*	No. 7-448
Petitioner,	*	Special Master Christian J. Moran
	*	
v.	*	Filed: June 7, 2012
	*	
SECRETARY OF HEALTH	*	Attorneys' fees and costs; award
AND HUMAN SERVICES,	*	in the amount to which respondent
	*	does not object.
Respondent.	*	
	*	

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**UNPUBLISHED DECISION ON FEES AND COSTS**<sup>1</sup>

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner;  
Glenn A. MacLeod, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Ms. Harwell filed an application for attorneys' fees and costs on May 23, 2012. After discussions between the parties, Ms. Harwell agreed to reduce her request. Ms. Harwell filed an amended application for fees and costs on May 31, 2012, requesting \$163,330.00 in attorneys' fees and costs and \$270.00 in costs for Ms. Harwell. The Court awards this amount to which respondent does not object.

Ms. Harwell claimed that the influenza vaccine caused her to develop transverse myelitis. A ruling, dated May 9, 2011, found that Ms. Harwell was entitled to compensation. She was awarded compensation in a decision, filed November 16, 2011. Because Ms. Harwell received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Ms. Harwell seeks a total of **\$163,330.00** in attorneys' fees and costs for petitioner's counsel. Additionally, Ms. Harwell filed a statement of costs in compliance with General Order No. 9, stating that she incurred **\$270.00** in costs while pursuing this claim. Respondent stated that she had no objection to this revised application for attorneys' fees and costs.

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

After reviewing the request, the court awards a check made payable to petitioner and petitioner's attorney in the amount of **\$163,600.00** for attorneys' fees and other litigation costs. The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

S/ Christian J. Moran

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Christian J. Moran  
Special Master

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<sup>2</sup> 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.