

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

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RYAN MOHAMMADPOUR, by his parents \*  
HOOMAN MOHAMMADPOUR and \*  
SHABNAM FERDOIS, \*

No. 09-260V  
Special Master Christian J. Moran

Petitioners, \*

Filed: September 26, 2011

v. \*

Attorneys' fees and costs; award  
in the amount to which  
respondent does not object;  
reasonable basis.

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*

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**UNPUBLISHED DECISION ON FEES AND COSTS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

Michael G. McLaren, Black & McLaren, Memphis, TN, for Petitioner;  
Ryan D. Pyles, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioners Hooman Mohammadpour and Shabnam Ferdois, as parents of Ryan Mohammadpour., filed an application for attorneys' fees and costs on September 19, 2011. The Court awards the amount to which respondent does not object.

Petitioners claimed that the Hepatitis A and Hepatitis B vaccines caused their child an adverse reaction, including, but not limited to, neurological impairments and developmental delays. See Petition, filed April 27, 2009. Petitioners were unable to find an expert to establish

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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 Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

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 clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

causation and thus, filed a motion for a decision dismissing their petition. In this ruling, compensation was denied. Decision, dated July 29, 2011.

Even though compensation was denied, a petitioner who brings her petition in good faith and who has a reasonable basis for the petition may be awarded attorneys' fees and costs. See 42 U.S.C. § 300aa-15(e)(1). Here, counsel for petitioners spent time gathering medical records and filing affidavits for petitioners. A search for an expert report was suspended to allow the parties an opportunity to brief and further discuss whether petitioners' case met the jurisdictional requirements of the Vaccine Act. After these discussions, petitioner's counsel realized the case could not proceed and counsel took steps to resolve this case relatively quickly so as not to increase costs and expenses unnecessarily. Thus, because petitioners' counsel acted in good faith and there was a reasonable basis for proceeding, petitioners are eligible for an award of attorneys' fees and costs. Respondent does not contend that petitioners failed to satisfy these criteria.

Petitioners seek a total of **\$18,500.00** in attorneys' fees and costs for petitioners' counsel. Additionally, petitioners filed a statement of costs in compliance with General Order No. 9, stating that petitioners incurred no reimbursable costs in pursuit of their claim. Respondent stated that she had no objection to this application for attorneys' fees and costs.

After reviewing the request, the court awards **\$18,500.00** in 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.