

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

LAUREN PHILIE, parent of, *
CHARLOTTE PHILIE, a minor, *
*
Petitioner, *

No. 10-871V
Special Master Christian J. Moran

Filed: March 26, 2012

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *
*
Respondent. *

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

UNPUBLISHED DECISION ON FEES AND COSTS¹

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

Petitioner Lauren Philie, as the parent of her daughter, Charlotte Philie (“Charlotte”), filed an application for attorneys’ fees and costs on March 14, 2012. On March 22, 2012, Ms. Philie amended her application. The Court awards the full amount requested by petitioner.

Ms. Philie claimed that the Measles-Mumps-Rubella (“MMR”) vaccine caused Charlotte an adverse reaction and received compensation based upon the parties’ stipulation. Decision, filed Oct. 13, 2011. Because Ms. Philie received compensation, she is entitled to an award of attorneys’ fees and costs. 42 U.S.C. § 300aa-15(e).

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

Ms. Philie seeks a total of **\$20,299.89** in attorneys' fees and costs for petitioner's counsel. Respondent stated that she has no objection to an award of \$17,259.40 in attorneys' fees and costs. Respondent stated that she does object to an award of \$2,174.56 that petitioner has requested in guardianship costs.

After reviewing the request, the court awards a check made payable to petitioner and petitioner's attorney in the amount of **\$20,299.89** for attorneys' fees and other litigation costs. Special masters have found that guardianship costs are compensable under the program. See Cansler ex rel. Cansler v. Sec'y of Health & Human Servs., No. 09-596V, 2011 WL 597791, at *1-3 (Fed. Cl. Spec. Mstr. Feb. 2, 2011); see also Ceballos ex rel. Ceballos v. Sec'y of Health & Human Servs., No. 99-97V, 2004 WL 784910, at *19-22 (Fed. Cl. Spec. Mstr. Mar. 24, 2004). The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
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.