

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

STEPHANIE ROBERSON, *
As Parent and Legal Representative of *
BAILEY ROBERSON, *

Petitioner, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

No. 09-682V
Special Master Christian J. Moran

Filed: January 30, 2012

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

UNPUBLISHED DECISION¹

Sean F. Greenwood, Gauthier Houghtaling and Williams, Houston, TX, for Petitioner;
Ann D. Martin, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Stephanie Roberson, as parent and legal representative of her daughter, Bailey Roberson ("Bailey"), filed her application for attorneys' fees and costs on December 5, 2011. After discussions between the parties, petitioner filed her stipulation for fees and costs on January 27, 2012. The Court awards the amount to which respondent has not objected.

Petitioner claimed that the DTaP, MMR, and IPV vaccinations caused Bailey to suffer a seizure disorder. See Petition, filed Oct. 9, 2009. Petitioner was unable to find an expert to

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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

establish causation and thus, filed a notice to withdraw her petition. In this ruling, compensation was denied. Ruling, dated May 6, 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 petitioner. Counsel consulted an expert and tried to obtain an expert report, at which time counsel realized that proof of causation was lacking and the case could not proceed. At this point, counsel took steps to resolve this case relatively quickly so as not to increase costs and expenses unnecessarily. Thus, because petitioner's counsel acted in good faith and there was a reasonable basis for proceeding, petitioner is eligible for an award of attorneys' fees and costs. Respondent does not contend that petitioner failed to satisfy these criteria.

Ms. Roberson seeks **\$17,695.83** in attorneys' fees and costs for petitioner's counsel. Additionally, Ms. Roberson filed a statement of costs in compliance with General Order No. 9, stating that she incurred **\$102.11** while pursuing this claim. Respondent stated that she had no objection to this application for attorneys' fees and costs.

After reviewing the request, the court awards the following:

1. **A lump sum payment of \$17,695.83 in the form of a check payable to petitioner's attorney, Sean F. Greenwood, of the law firm Gauthier Houghtaling and Williams, and petitioner, Stephanie Roberson, for attorney's fees and costs available under 42 U.S.C. § 300aa-15(e); and**
2. **A lump sum payment of \$102.11 in the form of a check payable to petitioner, Stephanie Roberson.**

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.