

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

WILLIAM J. SCHWIND and *
JULIE SCHWIND, on behalf of *
ADAM CHRISTOPHER SCHWIND, *
a minor child, *

No. 10-715V
Special Master Christian J. Moran

Petitioners, *

Filed: February 8, 2013

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

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

Respondent. *

Jay Ankur Bansal, Law Offices of Jay A. Bansal, Tempe, AZ, for Petitioners;
Darryl R. Wishard, U.S. Department of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

Mr. and Mrs. Schwind claimed that the measles-mumps-rubella [“MMR”] vaccine caused Adam to suffer an adverse reaction and received compensation based upon their acceptance of respondent’s proffer. Decision, filed June 26, 2012. Because petitioners received compensation, they are 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¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

Petitioners filed an application for attorneys' fees and costs on January 24, 2013. Thereafter the parties entered into negotiations regarding the amount of attorneys' fees and costs. The Court awards the amount to which the Secretary has not objected.

After discussions, petitioners now seek \$40,000.00 in fees and \$17,693.75 in costs. This amount is reasonable.

After reviewing the request, the court awards a check made payable to petitioners and petitioners' attorney in the amount of **\$57,693.75** 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.¹

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

¹ 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.