

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

BRITTANY SMITH,

*

*

Petitioner,

*

No. 09-484V

*

Special Master Christian J. Moran

v.

*

Filed: January 26, 2011

*

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

*

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

*

Respondent.

*

UNPUBLISHED DECISION¹

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

Petitioner Brittany Smith filed her initial application for attorneys' fees and costs on January 11, 2011. After discussions between the parties, petitioner filed her amended application for fees and costs on January 20, 2011. The Court awards the amount to which respondent has not objected.

Ms. Smith claimed that the HPV vaccines caused an adverse reaction. A stipulation for compensation is expected in this case, based on the parties' request for a 15-week order (issued August 25, 2010). Because Ms. Smith is expected to receive 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¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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. Smith seeks **\$28,538.10** in attorneys' fees and **\$110.91** in costs for petitioner's counsel. Additionally, Ms. Smith filed a statement of costs in compliance with General Order No. 9, stating that she incurred **\$256.15** 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 of \$28,649.01 in the form of a check payable to petitioners' attorney, Ronald C. Homer, of the law firm Conway, Homer & Chin-Caplan, P.C., and petitioner, Brittany Smith, for attorney's fees and costs available under 42 U.S.C. § 300aa-15(e).**
2. **A lump sum of \$256.15 in the form of a check payable to petitioner, Brittany Smith.**

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.