

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

ERIC and JAN BAHNSEN, *
As legal representatives of a minor child, *
SARAH BAHNSEN, *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

No. 09-624V
Special Master Christian J. Moran

Filed: December 20, 2010

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

UNPUBLISHED DECISION ON FEES AND COSTS¹

Randall G. Knutson, Esq., Farrish Johnson Law Office, Mankato, MN, for Petitioner;
Glenn A. MacLeod, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioners Eric and Jan Bahnsen, as legal representatives of their daughter, Sarah, filed an application for attorneys' fees and costs on December 15, 2010. The Court awards the amount to which respondent has not objected.

Petitioners claimed that Sarah suffered type I diabetes mellitus as a result of Inactivated Poliovirus ("IPV"), Varicella, and Hepatitis A vaccinations. Petitioners were unable to find an expert to establish causation and thus, requested a ruling on the record. In this ruling (Decision, dated May 21, 2010), compensation was denied.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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

Even though compensation was denied, petitioners who bring their petition in good faith and who have a reasonable basis for the petition may be awarded attorneys' fees and costs. See 42 U.S.C. § 300aa-15(e)(1). Respondent does not contend that petitioners failed to satisfy this standard. Thus, petitioners are entitled to an award of attorneys' fees and costs.

Petitioners seek a total of **\$10,000.00** in attorneys' fees and costs for petitioners' counsel. Additionally, petitioners filed a statement of costs in compliance with General Order No. 9, stating that they incurred no litigation expenses 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 **\$10,000.00** 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.²

IT IS SO ORDERED.

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.