

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 01-701V

Filed: June 29, 2012

Not to be Published

JEREMIAH WILLIAM EVANS, a minor, *
by his mother and natural guardian, *
MALISSA EVANS, *

Autism; Attorneys' Fees and Costs

Petitioner, *

v. *

SECRETARY OF HEALTH AND *
HUMAN SERVICES *

Respondent. *

DECISION AWARDING ATTORNEYS' FEES AND COSTS ¹

Petitioner filed an Application for Attorney's Fees and Costs on May 21, 2012. On June 28, 2012, the parties contacted the Court via telephone. Respondent's counsel, Vincent Matanoski, indicated he had reviewed petitioner's Application for Fees and Costs and had certain objections to petitioner's request for fees and costs. Petitioner's counsel agreed to reduce his request and respondent's counsel indicated that he had no objection to petitioner's reduced request for attorney's fees and other litigation costs.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

Petitioner is entitled to reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1). Petitioner seeks attorneys' fees and costs in the amount of \$23,000.00. Petitioner seeks the costs that petitioner personally incurred in the amount of \$323.04 pursuant to § 15(e)(1).

The request for attorneys' fees and costs is granted. Petitioner is awarded reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1), as I find that the petition was brought in good faith and upon a reasonable basis, and the amounts requested are reasonable and appropriate.

Accordingly, I hereby award the **total of \$23,323.04**². This total represents \$323.04 in petitioner's personal costs, and \$23,000.00 in attorneys' fees. The payment shall be issued in:

- 1. a lump sum of \$23,000.00, in the form of a check payable jointly to petitioner, and petitioner's counsel, Clifford J. Shoemaker for attorneys' fees; and**
- 2. a lump sum of \$323.04, in the form of a check payable to petitioner, for out-of-pocket expenses personally incurred by petitioner.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Special Master

² This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, § 15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See generally Beck v. Sec'y of Dep't Health and Human Services, 924 F.2d 1029 (Fed. Cir.1991).

³ Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).