

**In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS**

No. 02-1669V
Filed: July 6, 2011

CONNIE HUDSON, Natural Mother of
ADAM EBINGER, a Minor,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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* Attorney Fees and Costs
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DECISION ON ATTORNEY FEES AND COSTS¹

Vowell, Special Master:

In this case under the National Vaccine Injury Compensation Program,² I issued a decision on March 30, 2011, denying compensation and dismissing this case. On July 5, 2011, petitioner filed an Application For Attorney Fees and Costs requesting reimbursement of \$4,747.23, payable to petitioner, Connie Hudson and petitioner's attorney, Kathleen A. Wolz of Cook, Barkett, Ponder, and Wolz, L.C., for all attorney fees, paralegal fees, and costs. Petitioner included with the application a statement in compliance with General Order 9. Counsel for respondent has informed counsel for petitioner that respondent does not oppose petitioner's total request of \$4,747.23 for attorney fees and costs.

I find that this petition was brought in good faith and that there existed a

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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), petitioner has 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 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.

² The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. §§ 300aa-15(b) and 15(e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, I hereby award the total \$4,747.23³ as a lump sum in the form of a check payable to petitioner, Connie Hudson, and petitioner's attorney, Kathleen A. Wolz of Cook, Barkett, Ponder, and Wolz, L.C.**

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.⁴

IT IS SO ORDERED.

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

³ 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, 42 U.S.C. § 300aa-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, HHS*, 924 F.2d 1029 (Fed. Cir. 1991).

⁴ 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).