

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

**No. 10-408V
Filed: June 5, 2012**

RICHARD MESA and TANYA MESA,
as parents and natural guardians of
R.M., a minor,

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Petitioners,

Attorney Fees and Costs

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

DECISION ON ATTORNEY FEES AND COSTS¹

Vowell, Special Master:

In this case under the National Vaccine Injury Compensation Program,² I issued a decision denying entitlement and dismissing this case on December 8, 2011. On June 4, 2012, the parties filed a stipulation for attorney fees and costs.³ The stipulation indicates that after informal discussions of petitioners' initial request, petitioners request an amended amount to which respondent does not object. In lieu of filing a statement pursuant to General Order #9, petitioners' attorney filed an affidavit on June 1, 2012 indicating that petitioners have not responded to her repeated efforts to obtain information concerning any personal litigation costs. The affidavit notes that petitioners'

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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), petitioners have 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, 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).

³ Respondents initially filed a stipulation for attorney fees and costs on June 1, 2012, which was struck due to inclusion of the minor's name.

counsel paid the filing fee and all costs associated with the collection of medical records, and therefore petitioners do not appear to have any personal litigation costs.

I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. §§ 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, I hereby award a lump sum of \$26,500.00 in the form of a check payable jointly to petitioners, Richard Mesa and Tanya Mesa, and petitioners' counsel of record, Diana L. Stadelnikas.**

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

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).