

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS  
No. 10-586V  
Filed: November 15, 2011**

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DANIELLE NICOSIA,	*	
	*	
Petitioner,	*	Attorney Fees and Costs
v.	*	
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

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**DECISION ON ATTORNEY FEES AND COSTS<sup>1</sup>**

**Vowell**, Special Master:

In this case under the National Vaccine Injury Compensation Program,<sup>2</sup> I issued an order concluding proceedings on June 1, 2011. On November 7, 2011, petitioner filed an unopposed petition for attorney's fees and costs, and on November 8, 2011, respondent filed a stipulation of fact concerning attorneys' fees and costs. Both filings include a statement pursuant to General Order #9 setting forth petitioner's personal litigation costs, and indicate that after informal discussions with respondent, petitioner requests an amount to which respondent does not object.

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

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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.

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

reasonable and appropriate. **Accordingly, I hereby award the total \$4,000.00<sup>3</sup> as follows:**

- **a lump sum of \$3,650.00 in the form of a check payable jointly to petitioner, Danielle Nicosia, and petitioner’s counsel of record for petitioner’s attorney fees and costs, and**
- **a lump sum of \$350.00 in the form of a check payable to petitioner, Danielle Nicosia, for her personal litigation costs.**

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.<sup>4</sup>

**IT IS SO ORDERED.**

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**Denise K. Vowell**  
Special Master

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<sup>3</sup> 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).

<sup>4</sup> 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)*.