

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

No. 12-29V

Filed: January 28, 2013

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

Ronald Homer, Esq., Conway, Homer & Chin-Caplan, PC, Boston, MA for petitioner.
Gordon Shemin, Esq., US. Department of Justice, Washington, DC for respondent.

DECISION ON ATTORNEY FEES AND COSTS¹

Vowell, Special Master:

In this case under the National Vaccine Injury Compensation Program,² on August 23, 2012, I issued a decision awarding compensation pursuant to the parties' joint stipulation. On January 18, 2013, petitioner filed a motion for attorney fees and costs. Respondent contacted my chambers on January 25, 2013, and indicated that she has no objections to petitioner's request for attorney fees and 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

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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

reasonable and appropriate. **Accordingly, I hereby award the total \$22,086.18³ as follows:**

- **a lump sum of \$16,886.18 in the form of a check payable jointly to petitioner, Robert Powell, and petitioner’s counsel of record, Conway, Homer & Chin-Caplan, PC;**
- **a lump sum of \$4,850.00 in the form of a check payable jointly to petitioner, Robert Powell, and petitioner’s former attorney, Allen D. Place, Jr.⁴; and**
- **a lump sum of \$350.00 in the form of a check payable to petitioner, Robert Powell, for his 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.⁵

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 I note that Mr. Place is not admitted to practice before the U.S. Court of Federal Claims and is affiliated with the Law Office of Allen D. Place, Jr., & Tonya K. Place, 109 S. 7th Street, Gatesville, TX 76528. See Application for Fees, Tab C.

⁵ 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).