

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

No. 04-245V

Filed: August 25, 2009

Unpublished

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SUSAN GOEWEY CAREY and WILLIAM \*

A. CAREY, parents of LUKE OWEN CAREY, \*

a minor, \*

Petitioners, \*

v. \*

SECRETARY OF THE DEPARTMENT \*

OF HEALTH AND HUMAN SERVICES, \*

Respondent. \*

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Omnibus Autism Proceeding;  
Attorney Fees and Costs

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

**Vowell**, Special Master:

On August 25, 2009, counsel for both parties submitted a [28] Stipulation of Facts Concerning Attorneys' Fees and Costs requesting a decision awarding attorney fees and costs to petitioners in the amount of \$2,713.09. In the Stipulation, petitioners averred that they submitted a draft Application for Attorneys' Fees and Costs to respondent on or about June 17, 2009, though no application was actually filed into the record of this case.

Ordinarily, I would require petitioners to file evidence pertaining to the hours expended and the hourly rate requested before approving a stipulation regarding fees and costs. However, in view of the extremely modest amount of fees and costs to which the parties have stipulated, and based on my review of the case file and docket, my experience in approving fees applications permits approval of this stipulation without further documentation.

After reviewing the file, I find that this petition was brought in good faith and that

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<sup>1</sup> Petitioner is reminded that, pursuant to 42 U.S.C. §300aa-12(d)(4) and Vaccine Rule 18, she has 14 days to request redaction of material in this decision that "would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b)(2).

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 **\$2,713.09**<sup>2</sup> in the form of a check payable jointly to petitioners and their counsel, David L. Terzian.

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>3</sup>

**IT IS SO ORDERED.**

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

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<sup>2</sup> This amount is intended to cover all legal expenses. 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>3</sup> Entry of judgment can be expedited by each party’s filing a notice renouncing the right to seek review. See Vaccine Rule 11(a).