

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS  
No. 04-1371V  
Filed: July 26, 2010**

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PATRICIA JOUBERT, parent of	*	
Carylanne Joubert, a minor,	*	
	*	
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 a [58] decision on April 16, 2010 denying entitlement to compensation and dismissing this case. On July 23, 2010, petitioner filed her [63] application for attorney fees and costs in this matter.<sup>3</sup> That filing represented that respondent's counsel had reviewed the application in draft form and discussed objections to the application with petitioner's counsel. The amounts requested in the filing represent the results of those discussions. Respondent does not object to the amounts requested in the filed application.

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 Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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, 116 Stat. 2899, 2913 (Dec. 17, 2002). 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.

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

<sup>3</sup> Petitioner also filed a statement on July 23, 2010 pursuant to General Order #9 delineating costs borne by petitioner and costs borne by her counsel.

reasonable and appropriate. **Accordingly, I hereby award the total \$19,884.59<sup>4</sup> as follows:**

- **a lump sum of \$19,678.43 in the form of a check payable jointly to petitioner, Patricia Joubert, and petitioner's counsel, Conway, Homer & Chin-Caplan, PC, for petitioner's attorney fees and costs; and**
- **a lump sum of \$206.16 in the form of a check payable to petitioner, Patricia Joubert, for her 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>5</sup>

**IT IS SO ORDERED.**

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

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<sup>4</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>5</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).