

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

No. 07-259V

Filed: September 10, 2009

Unpublished

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MARIANA RUVALCABA, parent of \*  
IAN ARIAS, a minor, \*  
\*  
Petitioner, \* Attorney Fees and Costs  
\*  
v. \*  
\*  
SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*  
\*  
Respondent. \*  
\*  
\*\*\*\*\*

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

**Denise K. Vowell**, Special Master:

On September 9, 2009, petitioner’s counsel, Ronald Homer, filed an [43] application for attorney fees and costs incurred by his firm in the above-captioned case. In his application, petitioner’s counsel represented that after discussing his incurred fees and costs with respondent’s counsel, respondent expressed certain objections to the petition. Petitioner’s counsel agreed to reduce his request to the amount filed: \$16,235.25 in attorney fees, \$3,427.66 in attorney costs, and \$250.00 in petitioner costs. The filed application represented that respondent had no objections to the amount of fees and costs requested therein.

After reviewing the file, 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 amounts seem reasonable and appropriate. Accordingly, I hereby award the total of

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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).

\$19,912.91<sup>2</sup> broken down as follows:

- a lump sum of \$19,662.91, in the form of a check payable jointly to petitioner and petitioner's counsel, Conway, Homer & Chin-Caplan, PC, for petitioner's attorney fees and costs.
- a lump sum of \$250.00, in the form of a check payable to the petitioner, for her own 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>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).