

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 12-392V

Filed: June 3, 2013

\*\*\*\*\* NOT TO BE PUBLISHED  
BRIAN RIFE and ANNE RIFE, \*  
parents of B.R., a minor, \*  
\* **Special Master Zane**  
\*  
\* Attorneys' fees and costs  
Petitioner, \*  
\*  
v. \*  
\*  
SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*  
\*  
Respondent. \*  
\*\*\*\*\*

*Ronald Craig Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioners;  
Gordon Elliot Shemin, United States Dep't of Justice, Washington, DC, for Respondent.*

### **DECISION ON UNOPPOSED MOTION FOR FEES<sup>1</sup>**

On May 22, 2013, the Petitioners' counsel filed a motion for fees and costs in the above-captioned case. Petitioners request a total award of \$16,979.57, representing \$14,617.60 in attorneys' fees and \$2,106.72 in attorneys' costs for a total of \$16,724.32. Petitioners represent

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<sup>1</sup> Because this decision contains a reasoned explanation for the Special Master's action in this case, the Special Master intends to post it on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 113 Stat. 2899, 2913 (Dec. 17, 2002). All decisions of the Special Master will be made available to the public unless they contain trade secret or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to redact such information before the document's disclosure. Absent a timely motion to redact, the decision will be made available to the public in its entirety. If the Special Master, upon review of a timely-filed motion, agrees that the identified material fits within the categories listed above, the Special Master shall redact such material from the decision made available to the public. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

that they have incurred personal costs in the amount of \$255.25, and they request payment of that amount. Respondent has advised that she does not object to the payment of the requested amounts of attorneys' fees and costs and individual costs. In accordance with 42 U.S.C. § 300aa-15(e), the undersigned awards the amount to which Respondent does not object.

Petitioners alleged that their child, B.R, developed sterile abscesses as a result of receiving the inactivated polio vaccine, the diphtheria-tetanus-acellular-pertussis vaccine, the haemophilus influenza vaccine, and the pneumococcal conjugate vaccine, all of which were received on August 25, 2009. Petition at 1. A decision was entered on April 3, 2013, awarding damages.

Respondent conceded the claim, and, as a result, Petitioners were entitled to and were awarded compensation through a decision entered April 3, 2013. Because Petitioners have been awarded compensation, Petitioners are entitled to an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). The undersigned also finds that the amount a total award of \$16,979.57, representing \$16,724.32 in attorneys' fees and costs and \$255.25 in individual costs incurred by Petitioners, is reasonable based on the stage at which this matter was decided. Based on the request's reasonableness and pursuant to Vaccine Rule 13, the undersigned **GRANTS** the parties' request as outlined in the Stipulation. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

**in a check made payable jointly to Petitioners (Brian Rife and Anne Rife) and Petitioners' counsel (Ronald Craig Homer of the law firm Conway, Homer & Chin-Caplan, P.C.), the amount of \$16,724.32; and**

**in a check made payable to Petitioners (Brian Rife and Anne Rife), the amount of \$255.25.**

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Daria Zane  
Daria J. Zane  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.