

OFFICE OF SPECIAL MASTERS

(Filed: April 29, 2005)

BOB and CARYN BRETT,)	
as the legal representatives of their minor son,)	
STEPHEN BRETT,)	
)	
Petitioners,)	
)	
v.)	No. 01-0287V
)	DO NOT PUBLISH
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION ON ATTORNEY'S FEES AND ATTORNEY'S COSTS¹

Petitioners, Bob Brett and Caryn Brett (Mr. and Mrs. Brett or the Bretts), as legal representatives of their son, Stephen Brett (Stephen), seek an award of \$56,522.50 in attorney's fees and \$6,444.53 in attorney's costs for an action that they pursued under the National Vaccine Injury Compensation Program (Program).² *See* Petition for Attorney Fees and Costs (Fee Petition), filed April 11, 2005, at 2. The Bretts represent that they did not incur any personal expenses as defined by General Order No. 9. *See* Petitioners' Statement Concerning Costs, filed April 13, 2005. Respondent objected informally to \$2,843.75 in attorney's fees. *See* Joint Status Report Regarding Attorney's Fees and Costs (Joint Status Report), filed April 27, 2005, ¶ 2. The Bretts acceded informally to respondent's objection. *See* Joint Status Report, ¶ 3.

¹ As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire decision" will be available to the public. *Id.*

² The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

The special master has reviewed thoroughly the Fee Petition. He has considered carefully respondent's objection and petitioners' accession. Based upon his experience, the special master determines that the Bretts shall receive \$53,678.75 in attorney's fees³ and \$6,444.53 in attorney's costs. Therefore, in the absence of a motion for review filed under RCFC Appendix J, the clerk of court shall enter judgment in the Bretts' favor for \$60,123.28 in attorney's fees and attorney's costs.⁴ The judgment shall reflect that the Bretts' attorney of record, Curtis R. Webb, Esq. (Mr. Webb), may collect \$60,123.28 from the Bretts.⁵

The clerk of court shall send the Bretts' copy of this decision on attorney's fees and attorney's costs to the Bretts by overnight express delivery.

John F. Edwards
Special Master

³ \$56,522.50 - \$2,843.75.

⁴ \$53,678.75 + \$6,444.53.

⁵ Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.