

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 02-780V

Filed: March 30, 2007

Not to be published¹

SUSAN IANNUZZI, parent of Peter Iannuzzi, a
minor,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

Vaccine Act Attorneys' Fees

DECISION (ATTORNEYS' FEES)

On July 26, 2006, the petitioner submitted an application seeking an award of fees and costs incurred in this case filed under the National Vaccine Injury Compensation Program, alleging that the vaccinee's autism was caused by a vaccination. Because this application was of a novel nature and sought fees and costs for work performed on behalf of this petitioner, as well as fees and costs performed by counsel in researching the "general issue" of autism, the parties engaged in extensive briefing and unsuccessful mediation efforts. This litigation, in turn, resulted in a supplemental request for attorneys' fees, filed on January 24, 2007.

On March 20, 2007, I issued a published Ruling explaining that I would grant the petitioner's application *in part*. The Ruling directed the parties to attempt to reach agreement concerning the calculation of the *exact amount* of the award, pursuant to the directions contained in my Ruling.

On March 29, 2007, the parties informed my office that *based on my Ruling*, they agree

¹Because this document contains an explanation for my action in this case, I intend to post this order 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). Therefore, 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, this entire document will be available to the public. *Id.*

that the correct calculation of attorneys fees and costs is \$ 317,347.18. (The parties “faxed” a copy of their agreed calculations to my office on March 30, 2007. I placed a copy of that facsimile into the record, attached to an order filed today.) This number represents \$ 7,024.71 for fees and costs for work done *specific* to this petition; \$ 288,473.80 for fees and costs for work done in the process of researching the *general issue* of autism causation; and a further \$ 21,848.67 for fees and costs for work done in litigation concerning the fee application.

As explained in my earlier Ruling, after reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Accordingly, I hereby award the following attorneys’ fees and costs pursuant to 42 U.S.C. § 300aa-15(e)(1):

A lump sum of \$ **317,347.18**, in the form of a check payable jointly to petitioner and petitioner’s counsel, Ronald Craig Homer, on account of services performed by counsel’s law firm and costs expended by that firm.

In the absence of a timely-filed motion for review of this Decision (see Appendix B, Rules of the United States Court of Federal Claims), the clerk shall enter judgment in accordance herewith.

George L. Hastings, Jr.
Special Master