

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-38V

Filed: May 11, 2012

Not to be Published

BRENDAN PETTITT, a minor,
by his parents and natural guardians,
DAVID PETTITT and KYM PETTITT,

Autism; Attorneys' Fees and Costs

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

DECISION AWARDING ATTORNEYS' FEES AND COSTS ¹

On May 9, 2012 the parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs in this case. Petitioners are entitled to reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1). Respondent has reviewed petitioners' and petitioners' former counsel's request for fees and costs as outlined in the Stipulation and does not object. Petitioners seek a total amount of \$3,600.00 for attorneys' fees and costs; \$3250.00.00 jointly payable to petitioners and petitioners' former counsel, Richard F. McNally, Jr. for all attorneys' fees and costs, and \$350.00 payable to petitioners for their out-of-pocket costs.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

The request for attorneys' fees and costs is granted. Petitioners are awarded reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1), as I find that the petition was brought in good faith and upon a reasonable basis, and the amounts requested are reasonable and appropriate.

Pursuant to §15(e), I award a total amount of \$3,600.00.² This award shall be in the form of one check for \$3,250.00, payable jointly to the petitioners and petitioners' former counsel, Richard F. McNally, Jr., and another check for \$350.00, payable solely to the petitioners.

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.³

IT IS SO ORDERED.

Patricia E. Campbell-Smith
Chief Special Master

² 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, § 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 of Dep't Health and Human Services, 924 F.2d 1029 (Fed. Cir.1991).

³ 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).