

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
E-filed: March 18, 2013

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BRIAN R. PARMLEY and	*
STEPHANIE D. PARMLEY, as	*
parents and legal representatives of	*
their minor son, ISAAH RAY	*
PARMLEY,	*
	*
Petitioners,	*
	*
SECRETARY OF HEALTH	*
AND HUMAN SERVICES,	*
	*
Respondent.	*
	*
* * * * *	

No. 09-698V

Decision on Attorney’s Fees
and Costs.

DECISION¹ (ATTORNEY FEES AND COSTS)

In this case under the National Vaccine Injury Compensation Program,² Chief Special Master Campbell-Smith issued a decision on November 2, 2012. On March 4, 2013, the case was transferred to Special Master Hamilton-Fieldman. On March 14, 2013, the parties filed a stipulation concerning attorney’s fees and costs in this matter. The parties’ stipulation requests a total payment of \$79,785.14, representing attorney’s fees and costs of \$73,331.64, out-of-pocket expenses for Petitioners in the amount of \$600.00, and guardianship costs of \$5,853.50.

¹ The undersigned intends 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)). 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 applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

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 amount seems reasonable and appropriate. It should be noted that while I have granted the guardianship costs in the instant matter, these types of expenses will be determined on the basis of reasonableness on a case by case basis. **Accordingly, I hereby award the total \$79,785.14 as a lump sum in the form of a check payable jointly to Petitioner and Petitioners' counsel, Elizabeth Muldowney.**

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.

IT IS SO ORDERED.

s/Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master