

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

No. 02-1971V

Filed: January 20, 2012

(Not to be Published)

TERRY HARPER and REGINA HARPER,
parents of Brandon Harper, a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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* Autism; Attorneys' Fees and Costs
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DECISION ON ATTORNEY FEES AND COSTS¹

Vowell, Special Master:

On January 19, 2012, petitioners filed a stipulation of facts concerning attorneys' fees and costs. Petitioners are entitled to reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1). The stipulation indicates that petitioners submitted a draft application for attorneys' fees and costs to respondent counsel, and are requesting an amount to which respondent does not object. Petitioners seek attorneys' fees and costs in the amount of \$5,480.82. In lieu of filing a Vaccine General Order 9 statement, pursuant to the stipulation, the firm agrees to reimburse petitioners any costs that petitioners personally incurred that are compensable under § 15 (e)(1).

I find that this petition was brought in good faith and upon a reasonable basis. 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.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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), petitioners have 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

Accordingly, I hereby award the total \$5,480.82² in the form of a check payable jointly to petitioners and petitioners' counsel of record, George G. Tankard, III, for petitioners' attorney fees and costs.

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.

s/ Denise K. Vowell
Denise K. Vowell
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, 42 U.S.C. § 300aa-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, HHS*, 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).