

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 04-733V

Filed: November 07, 2011

Not to be Published

JOSEPH M. WINDER and CINDY B. *
WINDER, as parents and natural *
guardians of JOSEPH QUENTIN *
WINDER, a minor, *

Petitioners, *

Autism; Attorneys' Fees and Costs *

v. *

SECRETARY OF HEALTH AND *
HUMAN SERVICES, *

Respondent. *

DECISION ON ATTORNEY FEES AND COSTS¹

Vowell, Special Master:

Petitioners have filed an unopposed motion for an award of 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 the motion and does not object. Petitioners seek attorneys' fees and costs in the amount of \$5,744.25. In lieu of filing a Vaccine General Order 9 statement, the counsel for petitioners has indicated he will reimburse petitioners for any costs they personally incurred that are compensable under § 15 (e)(1).

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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.

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.

Accordingly, I hereby award the total \$5,744.25² in the form of a check payable jointly to petitioners and petitioners' counsel of record, Alan M. Pickert.

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).