

# OFFICE OF SPECIAL MASTERS

(Filed: October 14, 2005)

ZEYDA BERNABE,	)	
mother and natural guardian of her son,	)	
ANTHONY BERNABE,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 03-1494V
	)	DO NOT PUBLISH
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
	)	

## DECISION ON ATTORNEYS' FEES AND ATTORNEYS' COSTS<sup>1</sup>

Petitioner, Zeyda Bernabe (Ms. Bernabe), as natural guardian of her son, Anthony Bernabe (Anthony), seeks an award of attorneys' fees and attorneys' costs for an action that she pursued under the National Vaccine Injury Compensation Program (Program).<sup>2</sup> *See, e.g.*, Notice of Filing Documents, filed September 8, 2005, Motion for Attorneys['] Fees and Expenses (Fee Petition). Ms. Bernabe represents that she did not incur any personal expenses as defined by General Order No. 9. *See* Notice of Filing Documents, filed October 7, 2005, Petitioner's Statement Pursuant to General Order Number 9 (P. Statement). Respondent does not contest an award of \$28,118.00 in attorneys' fees and \$7,099.11 in attorneys' costs. *See* Joint Status Report, filed October 12, 2005, at 1. Ms. Bernabe accedes to respondent's calculation of attorneys' fees and attorneys' costs. *See id.*

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<sup>1</sup> 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.*

<sup>2</sup> The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

The special master has reviewed thoroughly the record. Based upon his experience, the special master determines that an award of \$28,118.00 in attorneys' fees and \$7,099.11 in attorneys' costs is reasonable and appropriate. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. Bernabe's favor for \$35,217.11.<sup>3</sup> The judgment shall provide that Ms. Bernabe's attorney of record, Heather J. Lipson, Esq. (Ms. Lipson), may collect \$35,217.11 from Ms. Bernabe.<sup>4</sup>

The clerk of court shall send Ms. Bernabe's copy of this decision to Ms. Bernabe by overnight express delivery.

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John F. Edwards  
Special Master

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<sup>3</sup> \$28,118.00 + \$7,099.11

<sup>4</sup> Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.