

OFFICE OF SPECIAL MASTERS

(Filed: November 23, 2005)

ALINA CUSATI, as parent of,)	
and as legal representative of the estate of,)	
ERIC FERNANDEZ,)	
)	
Petitioner,)	
)	
v.)	No. 99-0492V
)	DO NOT PUBLISH
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION ON ATTORNEYS' FEES AND ATTORNEYS' COSTS¹

Petitioner, Alina Cusati (Ms. Cusati), as legal representative of the estate of her son, Eric Fernandez (Eric), seeks an award of \$72,000.00 in attorneys' fees and attorneys' costs for an action that she pursued successfully under the National Vaccine Injury Compensation Program (Program).² See Petitioner's Application for Fees and Costs (Fee Petition), filed November 17, 2005; Petitioner's Notice of Correction (Correction), filed November 21, 2005. Ms. Cusati represents that she did not incur any personal expenses as defined by General Order No. 9. See Petitioner and Counsel Statement (Statement), filed November 17, 2005. Respondent does not object apparently. See Fee Petition at 1.

Because Ms. Cusati received Program compensation, the Act mandates the award of "reasonable attorneys' fees" and "other costs." § 300aa-15(e)(1). The special master has reviewed

¹ 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 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.

carefully Ms. Cusati's Fee Petition and Ms. Cusati's Correction. He determines that the Fee Petition is appropriate. Thus, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. Cusati's favor for \$72,000.00.³ The judgment shall provide that Ms. Cusati's attorney of record, Ronald C. Homer, Esq. (Mr. Homer), may collect \$71,250.00 from Ms. Cusati. In addition, the judgment shall provide that Ms. Cusati's former attorney, Michael T. Ridge, Esq., may collect \$750.00 from Ms. Cusati. *See* Correction at 1.

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

In addition, the clerk of court shall send a courtesy copy of this decision to:

Michael T. Ridge, Esq.
910 Grand Concourse
Suite 1D
Bronx, New York 10451

John F. Edwards
Special Master

³ Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review. Then, under Vaccine Rule 12(a), Ms. Cusati may expedite payment by filing an election to accept the judgment.