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

No. 04-736V Filed: July 17, 2014

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ROBERT J. RINICELLA and		*	
HONEY L. RINICELLA, parents of		*	
V.S.R., a minor,		*	
		*	
	Petitioners,	*	Autism; Stipulation;
V.		*	Attorney Fees and Costs
		*	,
SECRETARY OF HEALTH		*	
AND HUMAN SERVICES,		*	
	Respondent.	*	
* * * * * * * * * * * * * * * * * * * *			

Robert Krakow, Esq. Law Office of Robert Krakow, P.C., New York, NY for petitioners. *Alexis Babcock, Esq.*, U.S. Department of Justice, Washington, DC for respondent.

DECISION ON ATTORNEY FEES AND COSTS¹

Vowell, Chief Special Master:

In this case under the National Vaccine Injury Compensation Program,² I issued a dismissal decision on December 17, 2013. On July 14, 2014, the parties filed a stipulation for attorney fees and costs and a statement pursuant to General Order #9 conveying that petitioners incurred out-of-pocket expenses. The stipulation indicates that after informal discussions, petitioners amended their fees and costs request to an amount that respondent does not object.

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,

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

² The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

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 \$16,821.36³ as follows:

- a lump sum of \$14,700.00 in the form of a check payable jointly to petitioners (Robert and Honey Rinicella) and petitioners' counsel of record (Robert J. Krakow) for petitioners' attorney fees and costs, and
- a lump sum of \$2,121.36 in the form of a check payable to petitioners (Robert and Honey Rinicella) for their out-of-pocket expenses.

The clerk of the court shall enter judgment in accordance herewith.4

IT IS SO ORDERED.

s/ Denise K. Vowell
Denise K. Vowell
Chief Special Master

³ 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).

⁴ 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).