

ORIGINAL

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 08-24V
(Not for publication)

FILED

JUL 16 2015

U.S. COURT OF
FEDERAL CLAIMS

HOWARD GREENBERG and DENISE
GREENBERG, parents of J.G., a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

Filed: July 16, 2015

Vaccine Act; Costs

Howard and Denise Greenberg, Kihei, HI, pro se petitioners.

Lynn E. Ricciardella, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING COSTS

In this case under the National Vaccine Injury Compensation Program,¹ I issued a decision on December 8, 2014. On March 30, 2015, Petitioners, acting *pro se*, filed an application for reimbursement of their costs incurred in prosecuting their Vaccine Act petition before me.

As stated in my Order filed on July 13, 2015, I am relying upon five filings to understand the Petitioners' costs request: (1) Petitioners' application filed on 3-30-15, with attachments; (2) Petitioners' filing of 5-19-15; (3) Attorney Peck's filing of 6-8-15; (4) Attorney Peck's filing of 6-15-15; and (5) Petitioners' filing of 6-30-15.

As I understand the filings mentioned above, the Greenbergs sent a check to Attorney Peck for \$4,685.00. He used most of that amount to pay an expert witness (American Medical Experts), but refunded \$555.25 thereof to Petitioners. So, in effect, the Greenbergs seek \$4,129.75 (that is, \$4,685 less \$555.25) for paying an expert witness, plus the other small amounts claimed in their application filed on 3-30-15.

¹ The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

In my Order filed on July 13, 2015, I also indicated my preliminary approval of compensation for the \$4,129.75 mentioned above, plus the other small amounts requested. In response, on July 14, 2015, Respondent's counsel contacted my law clerk by email to report that Respondent would not be filing an opposition to such an award. Accordingly, I will compensate Petitioners for the following costs:

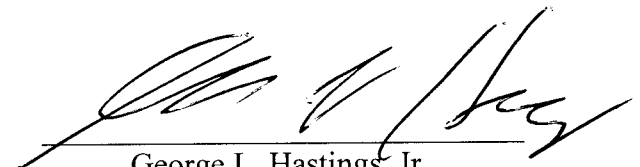
Filing Fee	\$ 250.00
Amount paid to Attorney Peck	\$4,129.75
Amount paid to expert Dr. Megson	\$ 247.00
Mailing and Fed Ex fees (total)	\$ 722.27
Audio request 12/18/13	\$ <u>30.00</u>
Total costs awarded	\$5,379.02

An award for fees and costs is appropriate at this time, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

- a lump sum of \$5,379.02, in the form of a check payable to Petitioners, which represents Petitioners' own litigation expenses in this case.

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.²

IT IS SO ORDERED


George L. Hastings, Jr.
Special Master

² Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.