

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 09-039V
(Not to be published)

*
AMY CRUTCHFIELD, *
*
*
Petitioner, *
*
v. *
*
SECRETARY OF HEALTH AND *
HUMAN SERVICES *
*
Respondent. *

Filed: May 4, 2016

Autism; Decision on Attorneys'
Fees and Costs

John F. McHugh, New York, NY, for Petitioner.
Michael Milmo, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION (ATTORNEYS' FEES AND COSTS)

HASTINGS, *Special Master*

In this case under the National Vaccine Injury Compensation Program,¹ I issued a Decision on April 7, 2014. Petitioners filed an Application for Attorneys' Fees and Costs on March 5, 2016, followed by an Amended Application on May 2, 2016. That Amended Application requests a total award of \$208,094.05, representing attorneys' fees and costs of \$195,000, plus \$13,094.05 of costs expended by Petitioner. Respondent filed a Response to Petitioner's Amended Application on May 2, 2016, indicating that Respondent does not object to the overall amount requested.

I find that this Petition was filed and pursued in good faith and with a reasonable basis. Thus, an award for fees and costs is appropriate at this time, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). I have examined both the original Application for Attorneys' Fees and Costs, and the

¹ The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2012).

Amended Application. Based on that review, I conclude that the overall amounts proposed in the Amended Application 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 \$195,000.00, in the form of a check payable jointly to Petitioner and Petitioner's counsel, John F. McHugh, on account of services performed and expenses incurred by counsel's law firm.
- a lump sum of \$13,094.05, in the form of a check payable to Petitioner, which represents Petitioner's 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

/s/ George L. Hastings, Jr.
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.