

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 09-221V

Filed: January 8, 2016

\* \* \* \* \*  
D.B., \* UNPUBLISHED  
\*  
Petitioner, \* Special Master Hamilton-Fieldman  
\*  
v. \* Attorneys' Fees and Costs;  
\* Reasonable Amount Requested to  
SECRETARY OF HEALTH \* Which Respondent Does Not Object.  
AND HUMAN SERVICES, \*  
\*  
Respondent. \*  
\* \* \* \* \*

Diane C. Cooper, Bruce G. Clark & Associates, P.C., for Petitioner.  
Alexis Babcock, United States Department of Justice, Washington, D.C., for Respondent.

### DECISION<sup>1</sup>

On April 14, 2009, D.B. ("Petitioner") filed a petition pursuant to the National Vaccine Injury Compensation Program.<sup>2</sup> 42 U.S.C. §§ 300aa-1 to -34 (2006). On January 9, 2014, the undersigned issued a decision dismissing the petition, and on January 14, 2014, judgment entered on the dismissal.

On January 12, 2015, the above captioned-counsel entered her appearance on behalf of Petitioner, and on January 13, 2015, Petitioner filed a motion to vacate the judgment. The undersigned denied Petitioner's motion on September 4, 2015.

On December 21, 2015, the parties filed a Stipulation of Facts Regarding Final Attorneys' Fees and Costs. Pursuant to their Stipulation, the parties have agreed to an award of \$14,000.00 in attorneys' fees and costs. In accordance with General Order Number 9, the parties represent that Petitioner has not personally incurred any costs during the time that Ms. Cooper has represented her.

<sup>1</sup> This decision was originally filed on December 21, 2015. In the reissued decision, Petitioner's name is, at her request, replaced with her initials; the remainder of the decision is unchanged.

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

The undersigned finds that the motion to vacate judgment was brought in good faith and that there existed a reasonable basis for filing it. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, the undersigned hereby awards the amount of \$14,000.00, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Diane C. Cooper, of the law firm of Bruce G. Clark & Associates, P.C.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.<sup>3</sup>

**IT IS SO ORDERED.**

s/ Lisa Hamilton-Fieldman  
Lisa Hamilton-Fieldman  
Special Master

---

<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.