

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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CHARI and MATTHEW LEHAN,
Parents of M.L., A Minor,

Petitioners,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

No. 10-137V
Special Master Christian J. Moran

Filed: February 19, 2014

Attorneys' fees and costs; award
in the amount to which
respondent does not object.

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Edward M. Kraus, Law Offices of Chicago Kent, Chicago, I.L., for Petitioners;
Jennifer L. Reynaud, United States Department of Justice, Washington, D.C., for
Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On February 12, 2014, respondent filed a stipulation of fact concerning final attorney's fees and costs in the above-captioned matter. Previously, petitioners informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioners' application, respondent raised objections to certain items. Based on subsequent discussions, petitioners amended their application to request \$64,200.00, an amount to which respondent does not object. The Court awards this amount.

On March 2, 2010, Chari and Matthew Lehan, on behalf of their son, M.L., filed a petition for compensation alleging that the ProQuad and Prevnar vaccines, which M.L. received on March 16, 2006, caused him to suffer an episode of acute

¹Following the undersigned's August 22, 2013 decision, petitioners made a timely request for redaction pursuant to § 300aa-12(d)(4)(B); Vaccine Rule 18(b). Accordingly, this decision is being issued with the name of the vaccinee redacted to his initials.

disseminated encephalomyelitis (“ADEM”) resulting in developmental delays. Petitioners received compensation based upon the parties’ stipulation. Decision, filed Aug. 22, 2013, reissued as redacted, Sept. 5, 2013. Because petitioners received compensation, they are entitled to an award of attorneys’ fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioners seek a total of **\$62,000.00** in attorneys’ fees and costs for their counsel. Additionally, in compliance with General Order No. 9, petitioners state that they incurred out-of-pocket litigation expenses of **\$2,200.00** while pursuing this claim. Respondent has no objection to the amount requested for attorneys’ fees and costs.

After reviewing the request, the Court awards the following:

- 1. A lump sum of \$62,000.00 in the form of a check made payable to petitioners and petitioners’ attorney, Edward M. Kraus of the Law Offices of Chicago Kent, for attorneys’ fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- 2. A lump sum payment of \$2,200.00 in the form of a check payable to petitioners, Chari and Matthew Lehan.**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.