

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 13-733V
(Not to be published)

HEATHER CROSE,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

*

*

*

*

*

*

*

*

*

*

*

*

Filed: December 3, 2014

Decision; Attorneys'
Fees & Costs

Ronald Craig Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner.

Traci Patton, U.S. Dep't of Justice, Washington, DC, for Respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On September 25, 2013, Heather Crose filed a petition seeking compensation under the National Vaccine Injury Compensation Program.² On July 17, 2014, the parties filed a stipulation settling the case and detailing the amount to be awarded to Petitioner. I subsequently issued a decision finding the parties' stipulation to be reasonable and granting Petitioner an award as outlined by the stipulation.

¹ Because this ruling contains a reasoned explanation for my action in this case, it will be posted on the website of the United States Court of Federal Claims, 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)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the inclusion of certain kinds of confidential information. To do so, Vaccine Rule 18(b) provides that each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the ruling will be available to the public. *Id.*

² The National Vaccine Injury Compensation Program comprises 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.A. § 300aa-10 – 34 (2006)) [hereinafter "Vaccine Act" or "the Act"]. Individual sections references hereafter will be to § 300aa of the Act.

On November 7, 2014, Petitioner filed a motion for attorneys' fees and costs. In compliance with General Order #9, Petitioner also submitted a statement outlining the cost borne by Petitioner and by her counsel. Petitioner indicated that in this case attorneys' fees are \$13,232.70, attorneys' costs are \$745.36, and Petitioner's costs are \$411.25. Accordingly, Petitioner requested entry of a fees and cost award in the amount of \$14,389.31. Respondent did not formally respond to this motion, but has communicated to my chambers that she did not object to Petitioner's motion for attorneys' fees and costs in this case.

I approve the requested amount for attorneys' fees and costs as reasonable. Accordingly, an award of \$14,389.31 should be made in the form of a check payable jointly to Petitioner and Petitioner's counsel. 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 submitted motion.³

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.