

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 14-474V
(Not to be published)

WILLIAM CARTWRIGHT,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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Filed: May 1, 2015

Decision; Attorney's
Fees & Costs

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

Lisa Watts, U.S. Dep't of Justice, Washington, DC, for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

On June 4, 2014, William Cartwright filed a petition seeking compensation under the National Vaccine Injury Compensation Program.² In her Rule 4(c) report, Respondent indicated that Petitioner's claim was compensable under the Vaccine Act. Thereafter, on September 16, 2014, in view of Respondent's concession, and based on my own review of the record, I issued a decision finding that Petitioner was entitled to damages along with a damages order. Thereafter, on December 15, 2014, the parties filed a proffer detailing the amount to be awarded to Petitioner. I subsequently issued a decision finding the parties' proffer to be reasonable and granting Petitioner an award as outlined in the proffer.

¹ Because this decision 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 fourteen (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 decision 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. § 300aa-10 through 34 (2006)) [hereinafter "Vaccine Act" or "the Act"]. Individual sections references hereafter will be to § 300aa of the Act.

On April 23, 2015, Petitioner filed an application for attorney's fees and costs. Petitioner requests reimbursement of attorney's fees in the amount of \$13,963.90. In addition, and in compliance with General Order No. 9, Petitioner and his counsel filed a statement indicating that the attorney's costs are \$527.15 and Petitioner's costs are \$350.00. These represent amounts to which Respondent (by way of a status report dated April 28, 2015 (ECF No. 22)) has indicated that she has no objection.

I approve the requested amount for attorney's fees and costs as reasonable. Accordingly, (a) an award of \$14,491.05 should be made in the form of a check payable jointly to Petitioner and Petitioner's counsel, Ronald C. Homer, Esq. and (b) an award of \$350.00 should be made in the form of a check payable to Petitioner. Payment of these amounts represents all attorney's fees and costs available under 42 U.S.C. § 300aa-15(e). 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 Petitioner's application.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.