

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**No. 15-1490V**  
**(Not to be published)**

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\*  
MATT NICHOLS, \*  
\*  
\*  
Petitioner, \*  
\*  
v. \*  
\*  
SECRETARY OF HEALTH AND \*  
HUMAN SERVICES \*  
\*  
Respondent. \*  
\*\*\*\*\*

Filed: October 3, 2016

Decision on Attorneys'  
Fees and Costs

**DECISION (ATTORNEYS' FEES AND COSTS)**

**HASTINGS, *Special Master***

In this case under the National Vaccine Injury Compensation Program,<sup>1</sup> I issued an Order Concluding Proceedings on August 9, 2016. On September 29, 2016, Petitioner filed an application for attorneys' fees and costs in this matter. Petitioner's counsel requested a total payment of \$9,835.00, representing attorneys' fees of \$8,135.00, attorneys' costs of \$1,300.00, and \$400.00 of costs expended by Petitioner. The application indicates that Petitioner's counsel has conferred with Respondent's counsel, and represents that Respondent has no objection to the amounts requested by Petitioner.

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). Further, the proposed amounts 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):

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

- a lump sum of \$9,435.00, in the form of a check payable jointly to Petitioner and Petitioner's counsel, David P. Murphy, on account of services performed by counsel's law firm.
- a lump sum of \$400.00, 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.<sup>2</sup>

**IT IS SO ORDERED**

/s/ George L. Hastings, Jr.  
George L. Hastings, Jr.  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.