

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 03-877

Filed: May 4, 2012

_____)	
CRAIG BENKE and SHERRY BENKE,)	
as Parents and Legal)	NOT TO BE PUBLISHED
Representatives of the Estate of,)	
ABIGAIL BENKE, deceased)	
)	
)	
Petitioners,)	
v.)	Attorneys' fees and costs;
)	personal litigation costs;
SECRETARY OF)	award in the amount to which
HEALTH AND HUMAN SERVICES,)	respondent does not object
)	
)	
Respondent.)	
_____)	

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioners;
Ryan D. Pyles, United States Dep't of Justice, Washington, D.C., for Respondent.

DECISION ON FEES AND COSTS¹

LORD, Special Master.

On April 17, 2012, Petitioners in the above-captioned case filed an "Unopposed Application for Attorneys' Fees and Costs." After informal discussions with Respondent to ensure that all billing requests were specific to this case, Petitioners request a total award of \$9,231.48 in attorneys' fees and costs, which includes \$8,769.10 for attorneys' fees and \$462.38 for attorneys' costs. In accordance with General Order #9, Petitioners' counsel represents that Petitioners incurred no reimbursable personal litigation costs. Respondent does not object to this request.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the Court finds the requested amount of \$9,231.48 in attorneys' fees and costs to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the "Unopposed Application for Attorneys' Fees and Costs."

¹ In accordance with Vaccine Rule 18(b), petitioner has 14 days to file a proper motion seeking redaction of medical or other information that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Redactions ordered by the special master, if any, will appear in the document as posted on the United States Court of Federal Claims' website.

Accordingly, pursuant to Vaccine Rule 13, Petitioners are awarded a total of **\$9,231.48** in attorneys' fees and costs. The judgment shall reflect that Petitioners are awarded fees and costs as follows:

A lump sum of \$9,231.48 in the form of a check payable jointly to Petitioners and Petitioners' counsel, Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e).

The Court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
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.