

# In the United States Court of Federal Claims

No. 03-1301V

Filed: July 21, 2014

Not to be Published

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BOZENA ZARZYCKA and \*  
ARKADIVSZ ZARZYCKI, as \*  
the parents and natural guardians \*  
of A.Z., a minor, \*

Petitioner, \*

Autism; Decision on Attorneys' Fees  
and Costs

v. \*

SECRETARY OF HEALTH AND \*  
HUMAN SERVICES \*

Respondent. \*

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## DECISION AWARDING ATTORNEYS' FEES AND COSTS <sup>1</sup>

In this case under the National Vaccine Injury Compensation Program,<sup>2</sup> I issued an Order Concluding Proceedings pursuant to Vaccine Rule 21(a), on February 5, 2014. On July 21, 2014, Petitioners filed a Motion for a decision adopting the parties' agreement with respect to attorneys' fees and costs in this case. Pursuant to the parties' agreement, Petitioners seek attorneys' fees and costs in the amount of \$12,699.13.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

<sup>2</sup> The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006). Hereafter, individual section references will be to 42 U.S.C. § 300aa.

Petitioners' Motion represents that Petitioners' counsel has contacted Respondent's counsel to confirm that Respondent has no objection to Petitioners' request. In lieu of filing a Vaccine General Order #9 statement, Petitioners' counsel represents that he will reimburse Petitioners any costs that Petitioners personally incurred that are compensable under § 15(e)(1).

**The request for attorneys' fees and costs is granted.** Petitioners are awarded reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1), as I find that the petition was brought in good faith and upon a reasonable basis, and the amounts requested are reasonable and appropriate.

**Pursuant to §15(e), I award a lump sum<sup>3</sup> of \$12,699.13, to be paid in the form of a check payable jointly to the petitioners and petitioners' counsel, Michael A. London.**

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>4</sup>

**IT IS SO ORDERED.**

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

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<sup>3</sup> This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, § 15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See generally Beck v. Sec'y of Dep't Health and Human Services, 924 F.2d 1029 (Fed. Cir.1991).

<sup>4</sup> Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).