

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

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NORA KENNEY,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

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

Debra A. Filteau Begley, United States Dep't of Justice, Washington, DC, for
respondent.

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No. 11-363V

Special Master Christian J. Moran

Filed: February 22, 2016

Attorneys' fees and costs

UNPUBLISHED DECISION AWARDING
ATTORNEYS' FEES AND COSTS¹

Nora Kenney was denied compensation through the National Childhood Vaccine Injury Act, 42 U.S.C. §300aa—10 through 34 (2012). Decision, issued Jan. 16, 2015. Previously, she was awarded attorneys' fees and costs on an interim basis based upon a stipulation. Decision, issued Nov. 18, 2014. She now seeks an award of final attorneys' fees and costs. She is awarded **\$4,487.65**.

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The present case is similar to other recently decided cases involving the law firm representing this petitioner. In short, the parties did not agree to a reasonable

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

hourly rate for the attorneys representing petitioners in the Vaccine Program and the dispute led to litigation. For a more complete recitation of events, see McCulloch v. Sec'y of Health & Human Servs., No. 09-293V, 2015 WL 5634323 (Fed. Cl. Spec. Mstr. Sept. 1, 2015) and Avchen v. Sec'y of Health & Human Servs., No. 14-279V, 2015 WL 9595415 (Fed. Cl. Spec. Mstr. Dec. 4, 2015).

Ms. Kenney presently requests an award of \$4,901.00 in attorneys' fees and \$22.65 in attorneys' costs. The Secretary's remaining objection concerns the amount of time the attorneys spent.

The Secretary's objection that work performed by multiple attorneys duplicated the work the primary attorney performed is well founded. This results in a deduction of **\$436.00**.

Ms. Kenney is awarded \$4,487.65 in attorneys' fees and costs. This shall be paid as follows:

\$4,487.65 representing attorneys' fees and costs. The award shall be in the form of a check made payable jointly to petitioner and petitioner's attorney, Ronald Homer, of Conway, Homer & Chin-Caplan, in the amount of \$4,487.65.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.

Any questions may be directed to my law clerk, Shannon Proctor, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master