

ORIGINAL

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

No. 12-523V

Filed: June 26, 2014

FILED

JUN 26 2014

U.S. COURT OF
FEDERAL CLAIMS

DAVID BISHOP and DEBORAH
BISHOP, as parents and natural
guardians of E.B., a minor,
Petitioners,

*
*
*
*
*
*
*
*

Litigation Costs

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,
Respondent.

David and Deborah Bishop, pro se petitioners.

Justine Daigneault, Esq., US Department of Justice, Washington, DC for respondent.

DECISION ON LITIGATION COSTS¹

Vowell, Chief Special Master:

In this case under the National Vaccine Injury Compensation Program,² I issued an order concluding proceedings on February 4, 2014 pursuant to a joint stipulation of dismissal filed by the parties on January 29, 2014. On June 24, 2014, respondent filed a stipulation of fact concerning petitioners' litigation costs. The stipulation indicates that respondent raised objections to certain items in petitioners' application and after informal discussions, petitioners have agreed to accept \$7,997.73 as compensation for all litigation costs, an amount to which respondent does not object.

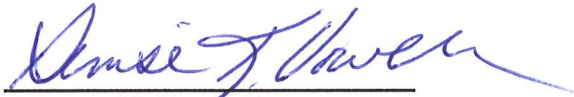
¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended 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.

² The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for costs is appropriate, pursuant to 42 U.S.C. §§ 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, I hereby award the total \$7,997.73³ in the form of a check payable to pro se petitioners, David and Deborah Bishop, for their personal litigation costs.**

The clerk of the court shall enter judgment in accordance herewith.⁴

IT IS SO ORDERED.



Denise K. Vowell
Chief Special Master

³ 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, 42 U.S.C. § 300aa-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, HHS*, 924 F.2d 1029 (Fed. Cir.1991).

⁴ 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).*