

On August 16, 2013, respondent filed a report pursuant to Vaccine Rule 4(c) in which she concluded that the Solteros failed to produce preponderant evidence showing that A.O.S. suffered an injury listed in the Vaccine Injury Table, located at 42 C.F.R. § 100.3.

On January 16, 2014, the Solteros filed a motion for a decision dismissing their petition. In their motion, the Solteros conveyed that “[a]n investigation of the facts and science supporting their case has demonstrated . . . that they will be unable to prove that they are entitled to compensation.” They added that, under such circumstances, “to proceed further would be unreasonable and would waste the resources of the Court, the Respondent, and the Vaccine Program.” Motion at ¶¶ 1-2. A decision dismissing the petition for insufficient proof was issued on January 17, 2014.

Even though compensation was denied, petitioners who bring their petition in good faith and who have a reasonable basis for the petition may be awarded attorneys’ fees and costs. See 42 U.S.C. § 300aa–15(e)(1). Here, counsel for petitioners gathered and filed medical records, consulted an expert report, and moved for a decision on the record when further investigation revealed that petitioners were unlikely to prove their case. Thus, because petitioners’ counsel acted in good faith and because there was a reasonable basis for proceeding, petitioners are eligible for an award of attorneys’ fees and costs. Respondent does not contend that petitioners failed to satisfy these criteria.

The Solteros seeks a total of **\$19,275.50** in attorneys’ fees and costs for their counsel. Additionally, in compliance with General Order No. 9, the Solteros state that they incurred no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys’ fees and costs.

After reviewing the request, the Court awards a check made payable to petitioners and petitioners’ attorney in the amount of **\$19,275.50** for attorneys’ fees and other litigation costs. The Court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
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.