

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 14-120V

KEVIN KOEN,

*

*

Filed: June 3, 2015

Petitioner,

*

*

v.

*

Decision by Stipulation; Attorney’s Fees
and Costs

*

*

SECRETARY OF HEALTH AND
HUMAN SERVICES,

*

*

*

Respondent.

*

*

Howard Gold, Gold Law Firm, LLC, Wellesley Hills, MA, for Petitioner.

Althea Davis, U.S. Dep’t of Justice, Washington, DC, for Respondent.

ATTORNEY’S FEES AND COSTS DECISION¹

On February 11, 2014, Kevin Koen filed a petition seeking compensation under the National Vaccine Injury Compensation Program (the “Vaccine Program”).² Despite his best efforts, Petitioner was unable to establish proof of vaccination. Therefore, Petitioner filed a motion seeking dismissal of this case on March 31, 2015. Pet’r’s Unopposed Mot. for a Dismissal Decision at 1 (ECF No. 24). I subsequently issued a decision dismissing this case for insufficient proof. Decision Dismissing Case, dated Mar. 31, 2015 (ECF No. 25).

¹ Because this decision contains a reasoned explanation for my action in this case, it will be posted on the website of the United States Court of Federal Claims, 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)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the inclusion of certain kinds of confidential information. To do so, Vaccine Rule 18(b) provides that each party has fourteen (14) days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, the decision will be available to the public. *Id.*

² The National Vaccine Injury Compensation Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (codified as amended at 42 U.S.C. § 300aa-10 through 34 (2006)) [hereinafter “Vaccine Act” or “the Act”]. Individual sections references hereafter will be to § 300aa of the Act.

On June 2, 2015, the parties filed a stipulation regarding attorney's fees and costs. ECF No. 27. Petitioner requests reimbursement of attorney's fees and costs in the amount of \$8,291.15. *Id.* This amount represents a sum to which Respondent does not object. *Id.* In addition, and in compliance with General Order No. 9, Petitioner's counsel represents that Petitioner has not personally incurred any expenses in litigating this case. *Id.*

I approve the requested amount for attorney's fees and costs as reasonable. Accordingly, an award of \$8,291.15 should be made in the form of a check payable jointly to Petitioner and Petitioner's counsel, Howard S. Gold, Esquire. Payment of this amounts represents all attorney's fees and costs available under 42 U.S.C. § 300aa-15(e). In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.