

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-279V

Filed: January 8, 2016

* * * * *		
BRITTANY STALLINGS BENOIT,	*	UNPUBLISHED
as mother and natural guardian, and	*	
ARSENE BENOIT, as father and natural	*	Special Master Hamilton-Fieldman
guardian of GABRIEL CASH BENOIT,	*	
	*	
Petitioners,	*	
	*	Attorneys' Fees and Costs;
v.	*	Reasonable Amount Requested to
	*	which Respondent Does Not Object.
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
* * * * *		

Jeffrey S. Pop, Jeffrey S. Pop & Associates, Beverly Hills, CA, for Petitioners.
Glenn MacLeod, United States Department of Justice, Washington, D.C., for Respondent.

DECISION¹

On March 18, 2015, Brittany Stallings and Arsene Benoit (“Petitioners”) filed a petition for compensation on behalf of their minor son, Gabriel Cash Benoit, under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 et seq. (2006) (“Vaccine Act”). Petitioners alleged that the administration of Diphtheria-Tetanus-acellular- Pertussis (“DTaP”), Haemophilus influenza type B (“HiB”), Polio, Pneumococcal, Rotavirus, and Hepatitis B (“Hep B”) vaccines on March 29, 2013 caused Gabriel Benoit to suffer from injuries that resulted in his death. On December 21, 2015, the undersigned issued an Order Concluding Proceedings pursuant to Vaccine Rule 21(a).

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision 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 Vaccine Rule 18(b), each party has 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).

On January 8, 2016, the parties filed a Stipulation of Facts Concerning Attorneys' Fees and Costs. Pursuant to their Stipulation, the parties have agreed to an award of \$8,000.00 in attorneys' fees and costs. In accordance with General Order Number 9, Petitioners' counsel represents that Petitioners have not incurred any out-of-pocket litigation costs in pursuit of their claim.

The undersigned finds that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, the undersigned hereby awards the amount of \$8,000.00, in the form of a check made payable jointly to Petitioners and Petitioners' counsel, Jeffrey S. Pop.**

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.²

IT IS SO ORDERED.

s/ Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.