

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 16-742V
(Not to be published)

AMANDA BIRS-MELCHER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

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Filed: April 17, 2017

Decision on Attorneys'
Fees and Costs

DECISION (ATTORNEYS' FEES AND COSTS)

HASTINGS, *Special Master*

In this case under the National Vaccine Injury Compensation Program,¹ I issued a Decision on March 20, 2017. On April 4, 2017, Petitioner filed an application for attorneys' fees and costs in this matter. Petitioner requests a total award of \$11,641.08, representing \$11,149.40 for attorneys' fees, and \$491.68 for attorneys' costs.

On April 6, 2017, Respondent filed a Response to Petitioner's Application for Attorneys' Fees and Costs, which stated that "Respondent is satisfied the statutory requirements for an award of attorneys' fees and costs are met in this case." (ECF No. 27, p. 2.) However, Respondent provided no specific comments concerning the amounts requested, and simply "recommends that the special master exercise his discretion [to] determine a reasonable award." (*Id.*, p. 3.)

I find that this Petition was filed and pursued in good faith and with a reasonable basis. Thus, an award for fees and costs is appropriate at this time, pursuant to 42 U.S.C. § 300aa-15(b)

¹ The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2012).

and (e)(1). Further, the proposed amounts seem reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

- a lump sum of \$11,641.08, in the form of a check payable jointly to Petitioner and Petitioner's counsel, Edward Kraus, on account of services performed by counsel's law firm.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.²

IT IS SO ORDERED

/s/ George L. Hastings, Jr.
George L. Hastings, Jr.
Special Master

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