

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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BETTY JEAN WIRSEN *

Personal representative of the estate *

of John Wirsen, deceased, *

Petitioner, *

No. 21-1571V

Special Master Christian J. Moran

v. *

Filed: June 7, 2024

SECRETARY OF HEALTH *

AND HUMAN SERVICES, *

Respondent. *

* * * * *

Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for Petitioner;
Jennifer A. Shah, United States Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

Pursuant to 42 U.S.C. § 300aa-15(e), petitioner has requested a total of \$51,059.94 in attorneys' fees and costs. The undersigned tentatively found that petitioner requested a reasonable amount and was entitled to the full amount requested. The undersigned allowed respondent an opportunity to comment. Respondent did not interpose any objections within the time permitted.

¹ The E-Government, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Petitioner's attorney, attorney staff, and expert have requested hourly rates that are consistent with the rates previously awarded. The number of hours is reasonable. Thus, the amount requested is reasonable.

The amount requested includes \$43,575.52 for attorneys' fees and costs for Conway Homer, P.C. and \$7,484.42 for costs incurred by petitioner. Petitioner incurred these costs because she was required to open an estate to support the claim in the Vaccine Program. Exhibit 19 (petitioner's affidavit). Again, respondent did not contest the assertion that the estate was opened solely to prosecute the claim in the Vaccine Program and respondent did not challenge the amount requested.

Petitioner is awarded \$51,059.94 . This amount shall be made payable as a (1) lump sum in the form of a check in the amount of \$43,575.52 jointly payable to petitioner and petitioner's counsel, Ronald Homer and (2) lump sum in the form of a check in the amount of \$7,484.42 payable to petitioner.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

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