

OFFICE OF SPECIAL MASTERS

(Filed: August 15, 2008)

No. 01-304V

_____)	
SALVATORE FORMICA,)	UNPUBLISHED
)	Attorneys' Fees and Costs
Petitioner,)	
)	
v.)	
)	
SECRETARY OF THE DEPARTMENT OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

Salvatore Formica, Syracuse, NY, pro se petitioner.

Katherine Esposito, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On May 17, 2001, Salvatore Formica, through his counsel of record, filed a petition pursuant to the National Vaccine Injury Compensation Program² (the Act or the

¹ Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless an issued decision contains trade secrets or commercial or financial information that is privileged or confidential, or the decision contains medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. When a special master files a decision or substantive order with the Clerk of the Court, each party has 14 days within which to identify and move for the redaction of privileged or confidential information before the document's public disclosure.

² Hereinafter, for ease of reference, all "section" references to the Vaccine Injury Compensation Act will be to the pertinent subdivision of 42 U.S.C. § 300aa (2006 ed.).

Program), 42 U.S.C. § 300aa-10 et seq. On December 7, 2008, the undersigned granted petitioner's counsel's motion to withdraw as attorney of record. See Order, filed December 7, 2006. Thereafter, petitioner proceeded as a pro se petitioner. On February 29, 2008, the undersigned issued a Decision finding that petitioner's filed medical records did not support a finding of entitlement.

On May 19, 2008, petitioner filed Petitioner's Former Counsel's Application for Attorneys' Fees and Costs (Fee App.) requesting a total award of \$19,473.92, in attorneys' fees and costs. See Fee App., filed May 19, 2008. On June 5, 2008, respondent's counsel filed Respondent's Response (Response) indicating that petitioner's former counsel agreed to accept a total award of \$19,167.92. Respondent's counsel also indicated that his client would not object to an award of \$19,167.92 in attorney's fees and costs. See Response, filed June 5, 2008. On July 31, 2008, petitioner, filed a statement stating that he did not incur any expenses in litigating this case. See Notice Regarding Costs, filed July 31, 2008.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the agreement of the parties and the reasonableness of the requested fees, the undersigned **GRANTS** the attorneys' fees and costs as stated in respondent's response, filed on June 5, 2008.

Therefore, in the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of \$19,167.92 in attorneys' fees and attorneys' costs and petitioner's costs.³ The judgment shall reflect that the Conway, Homer and Chin-Caplan law firm may collect \$19,167.92 from petitioner.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.