

## OFFICE OF SPECIAL MASTERS

(Filed: May 17, 2006)

DO NOT PUBLISH

|   |   |                        |
|---|---|------------------------|
| NARCEDALIA ORTIZ,                           | ) |                        |
| as legal representative of her minor child, | ) |                        |
| NELSON VEGA CARACHURE,                      | ) |                        |
|   | ) |                        |
| Petitioner,                                 | ) |                        |
|   | ) |                        |
| v.  | ) | No. 03-2349V           |
|   | ) | Attorney's Fees; Costs |
| SECRETARY OF                                | ) |                        |
| HEALTH AND HUMAN SERVICES,                  | ) |                        |
|   | ) |                        |
| Respondent.                                 | ) |                        |
|   | ) |                        |

### DECISION ON ATTORNEY'S FEES AND COSTS<sup>1</sup>

The parties state that the amount of \$12,611.00 represents a fair award of attorney's fees and attorney's costs for the action that petitioner, Narcedalia Ortiz (Ms. Ortiz), as legal representative of her minor child, Nelson Vega Carachure (Nelson), pursued successfully under the National Vaccine Injury Compensation Program (Program).<sup>2</sup> See Respondent's Status Report Regarding Attorney's Fees and Costs, filed May 11, 2006; Petitioner's Status Report Regarding Attorney's Fees and Costs, filed May 16, 2006. The parties state also that Ms. Ortiz did not incur any personal expenses as defined by General Order No. 9. See Respondent's Status Report Regarding Attorney's Fees and Costs, filed May 11, 2006; Notice of Filing Documents, filed May 15, 2006, Exhibit 3. The special master has reviewed carefully the record as a whole. Because Ms. Ortiz received Program compensation, the Act mandates the award of "reasonable attorneys' fees" and "other costs." § 300aa-15(e)(1). Based upon his experience, the special master determines that an award of \$12,611.00 is appropriate.

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<sup>1</sup> 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 trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire decision" will be available to the public. *Id.*

<sup>2</sup> The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

In the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. Ortiz's favor for \$12,611.00. The judgment shall provide that Ms. Ortiz's attorney of record, Vivian L. Rapposelli, Esq. (Ms. Rapposelli), may collect \$12,611.00 from Ms. Ortiz. Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

The clerk of court shall send Ms. Ortiz's copy of this decision to Ms. Ortiz by overnight express delivery.

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John F. Edwards  
Special Master

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John F. Edwards  
Special Master