

OFFICE OF SPECIAL MASTERS

(Filed: September 18, 2006)

DO NOT PUBLISH

JESSICA WHITT,)	
as the legal representative of her minor son,)	
BENJAMIN GEORGE,)	
)	
Petitioner,)	
)	
v.)	No. 04-0770V
)	Attorney's Fees; Attorney's Costs
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION ON ATTORNEY'S FEES AND ATTORNEY'S COSTS¹

Petitioner, Jessica Whitt (Ms. Whitt), as the legal representative of her son, Benjamin George (Benjamin), seeks an award of attorney's fees and attorney's costs for an action that she pursued successfully under the National Vaccine Injury Compensation Program (Program).² In a petition for attorney's fees and costs that she filed on August 17, 2006, Ms. Whitt requested \$20,375.29. *See* Petition for Attorney [sic] Fees and Costs (Fee Petition), filed August 17, 2006, at 2. Ms. Whitt represented that she did not incur any personal expenses as defined by General Order No. 9. *See* Fee Petition at 5. On September 14, 2006, Ms. Whitt filed an amended petition for attorney's fees and costs, reducing her claim to \$18,563.59. *See* Amended Petition for Attorney [sic] Fees and Costs (Amended Fee Petition), filed September 14, 2006, at 1. Respondent does not object apparently. *See* Amended Fee Petition at 2.

¹ 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.*

² 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.

Because Ms. Whitt received Program compensation, the Act mandates the award of “reasonable attorneys’ fees” and “other costs.” § 300aa-15(e)(1). The special master has reviewed carefully Ms. Whitt’s Fee Petition and Ms. Whitt’s Amended Fee Petition. Based upon his experience, he determines that an award of \$18,563.59 is appropriate.

In the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. Whitt’s favor for \$18,563.59. The judgment shall provide that Ms. Whitt’s attorney of record, Curtis R. Webb, Esq. (Mr. Webb), may collect \$18,563.59 from Ms. Whitt. 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. Whitt’s copy of this decision to Ms. Whitt by overnight express delivery.

John F. Edwards
Special Master