

OFFICE OF SPECIAL MASTERS

No. 96-82V

Filed: May 17, 2005

JANET JOHNSON,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

Unpublished
Posted¹

DECISION (ATTORNEYS' FEES)

HASTINGS, Special Master.

On March 24, 2005, the petitioner's former counsel, Ronald C. Homer, submitted a motion for attorneys' fees, seeking an award of fees and costs incurred in this case filed under the National Vaccine Injury Compensation Program on behalf of Janet Johnson.² The motion seeks a total of \$55,112.08, and indicates that respondent has no objection. Counsel for respondent confirmed with my law clerk by telephone that respondent has no objection to such an award of attorneys' fees and costs in the following amounts:

- \$ 38,670.90 in legal fees; and
- \$ 16,441.18 in costs borne by petitioner's counsel.

¹Because this document contains a reasoned explanation for my action in this case, I intend to post this order on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Therefore, 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, this entire document will be available to the public. *Id.*

²On July 27, 2004, Mr. Homer withdrew as petitioner's attorney. *See* order of July 27, 2004. In an order issued March 31, 2005, I informed Ms. Johnson that she could request reimbursement for her personal expenses incurred in this matter. Ms. Johnson did not reply. (The order was sent via Fedex. According to Fedex's "Delivery Information," it was signed for by Ms. Johnson on April 1, 2005. A printout of Fedex's delivery information is attached to this order, but will not be posted on the Court's website.)

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award of fees and costs is appropriate. Further, the total figure of \$ 55,112.08 seems 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 \$ 55,112.08, in the form of a check payable jointly to petitioner and petitioner's counsel, Ronald C. Homer, on account of petitioner's attorneys' fees and costs. This check is to be sent to the following address:

Ronald C. Homer, Esq.
Conway, Homer & Chin-Caplan, P.C.
16 Shawmut Street
Boston, MA 02116

In the absence of a timely-filed motion for review of this Decision (see Appendix B, Rules of the United States Court of Federal Claims), the clerk shall enter judgment in accordance herewith.

George L. Hastings, Jr.
Special Master