

IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS

No. 04-1382V

Filed: January 30, 2007

Not for Publication

\*\*\*\*\*

LORI EVANS, parent of VICTORIA EVANS,  
a minor,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

Respondent.

\*\*\*\*\*

Attorneys' Fees & Costs

**DECISION AWARDING ATTORNEYS' FEES AND COSTS<sup>1</sup>**

**Vowell, Special Master:**

Petitioner's counsel, Ronald Homer, submitted an application for attorneys' fees and costs on January 23, 2007, requesting \$6,364.00 in legal fees and \$255.45 in attorneys' costs. Respondent had no objection to either the fees or costs requests. The application indicated that Ms. Evans did not bear any reimbursable costs of her own. This petition was denied based on Ms. Evans' lack of response to numerous requests by the court and her counsel to provide information necessary to further her claim. This lack of communication excuses compliance with General Order #9. *See Newby v. Sec'y, HHS*, 41 Fed. Cl. 392, 393 n.2 (1998).

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 for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem reasonable and appropriate. Accordingly, I hereby award the lump sum of \$6619.45 in the form of a check

---

<sup>1</sup> Petitioner is reminded that, pursuant to 42 U.S.C. §300aa-12(d)(4) and Vaccine Rule 18, she has 14 days to request redaction of material in this decision that "would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b)(2).

payable jointly to petitioner and petitioner's counsel, Ronald Homer, on account of petitioner's attorneys' fees and costs.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>2</sup>

**IT IS SO ORDERED.**

---

**Denise K. Vowell**  
Special Master

---

<sup>2</sup> Entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review. *See* Vaccine Rule 11(a).