

OFFICE OF SPECIAL MASTERS

(Filed: June 30, 2005)

SEYED HOSSEIN ABTAHI and)	
LILLIAN ABTAHI, as court-appointed guardians)	
of the estate of their daughter,)	
ZENA ABTAHI,)	
)	
Petitioners,)	
)	
v.)	No. 02-0471V
)	DO NOT PUBLISH
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION ON ATTORNEYS' FEES AND COSTS¹

Petitioners, Seyed Hossein Abtahi and Lillian Abtahi (Mr. Abtahi and Ms. Abtahi or the Abtahis), as court-appointed guardians of the estate of their daughter, Zena Abtahi (Zena), seek an award of \$87,123.49 in attorneys' fees and costs for an action that they pursued successfully under the National Vaccine Injury Compensation Program (Program).² See Application for Attorneys' Fees and Costs (Fee Petition), filed March 17, 2005, Exhibit 1 at 1. The Abtahis represent that they did not incur any personal expenses as defined by General Order No. 9. See Fee Petition, Exhibit 2. Although the Act mandates the award of "reasonable attorneys' fees" and "other costs" in this case, § 300aa-15(e)(1), respondent objected informally to certain aspects of the Abtahis' Fee Petition. See Status Report, filed June 30, 2005, at 1. The Abtahis acceded to respondent's objections. *Id.*

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.

The special master has reviewed thoroughly the Abtahis' Fee Petition. He has considered respondent's informal objections to the Abtahis' Fee Petition and the Abtahis' accession to respondent's objections. Based upon his experience, the special master determines that an award of \$75,000.00 in attorneys' fees and costs is appropriate.

In the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in the Abtahis' favor for \$75,000.00. The judgment shall provide that the Abtahis' attorney of record, Clifford J. Shoemaker, Esq. (Mr. Shoemaker), may collect \$75,000.00 from the Abtahis.³

The clerk of court shall send the Abtahis' copy of this decision to the Abtahis by overnight express delivery.

John F. Edwards
Special Master

³ Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.