## OFFICE OF SPECIAL MASTERS

(Filed: December 8, 2005)

ERICK BENSON and DEJOIRE BENSON,	)	
as legal representatives of their daughter,	)	
DEJA BENSON,	)	
	)	
Petitioners,	)	
	)	
V.	)	No. 00-0673V
	)	DO NOT PUBLISH
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
•	)	

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

Petitioners, Erick Benson and Dejoire Benson (Mr. Benson and Ms. Benson or the Bensons), as legal representatives of their daughter, Deja Benson (Deja), seek an award of \$85,427.32 in attorney's fees, attorney's costs and personal expenses as defined by General Order No. 9 for an action that they pursued under the National Vaccine Injury Compensation Program (Program). See Motion for Attorney's Fees and Costs (Fee Petition), filed December 7, 2005, at 1. Respondent does not object apparently. See Fee Petition at 1. The special master has reviewed thoroughly the Bensons' Fee Petition. Based upon his experience, he determines that the Bensons' Fee Petition is reasonable and appropriate.

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>&</sup>lt;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 the Bensons' favor for \$85,427.32 in attorney's fees, attorney's costs and personal expenses as defined by General Order No. 9. The judgment shall provide that the Bensons' attorney of record, Sol P. Ajalat, Esq. (Mr. Ajalat), may collect \$83,427.32 from the Bensons.<sup>3</sup> 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 the Bensons' copy of this decision to the Bensons by overnight express delivery.

John F. Edwards Special Master

<sup>&</sup>lt;sup>3</sup> \$85,427.32 - \$2,000 for the Bensons' personal expenses as defined by General Order No. 9. *See* Fee Petition at 1. The calculation assumes that, in keeping with typical Program practice, Mr. Ajalat is responsible for disbursing \$11,250.00 to the medical expert for the medical expert's fee.