

OFFICE OF SPECIAL MASTERS

(Filed: January 30, 2006)

_____)	
PATRICIA PETET,)	
)	
Petitioner,)	
)	
v.)	No. 99-0637V
)	DO NOT PUBLISH
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

**DECISION ON ATTORNEYS’ FEES, ATTORNEYS’ COSTS
AND PERSONAL EXPENSES¹**

Petitioner, Patricia Petet (Ms. Petet), seeks an award of attorneys’ fees, attorneys’ costs and personal expenses as defined by General Order No. 9 for an action that she pursued under the National Vaccine Injury Compensation Program (Program).² Ms. Petet did not receive Program compensation. Nevertheless, the statute enacting the Program accords discretion to the special master to “award an amount of compensation to cover” Ms. Petet’s “reasonable attorneys’ fees and other costs” as long as “the special master or court determines that” Ms. Petet possessed “a reasonable basis for the claim” and that Ms. Petet filed the petition “in good faith.” § 300aa-15(e)(1); *see, e.g., Di Roma v. Secretary of HHS*, 1993 WL 496981 (Fed. Cl. Spec. Mstr. Nov. 18, 1993).

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.

On January 5, 2006, the parties filed a joint status report. *See* Joint Status Report, filed January 5, 2006. The parties represent that respondent does not object to an award of \$9,102.78 in attorney's fees and attorney's costs for Ms. Petet's current attorney of record, Curtis R. Webb, Esq. (Mr. Webb). *See* Joint Status Report at 1. In addition, the parties represent that respondent does not object to an award of \$11,690.30 in attorneys' fee and attorneys' costs for Ms. Petet's former attorney of record, Ronald C. Homer, Esq. (Mr. Homer). *See id.* Finally, respondent does not object to an award of \$858.81 in personal expenses as defined by General Order No. 9. *See* Status Report, filed January 24, 2006.

The special master has reviewed thoroughly the record. Based upon his experience, the special master determines that Ms. Petet shall receive \$21,651.89 in attorneys' fees, attorneys' costs and personal expenses as defined by General Order No. 9.³ Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. Petet's favor for \$21,651.89. The judgment shall provide for two checks. One check for \$858.81, representing the award for Ms. Petet's personal expenses as defined by General Order No. 9, shall be payable directly to Ms. Petet. One check for \$20,793.08, representing the award for Mr. Webb's fees and costs and for Mr. Homer's fees and costs, shall be payable jointly to Ms. Petet and to Mr. Webb.⁴ The judgment shall reflect that Mr. Webb and Mr. Homer may collect a total of \$20,793.08 from Ms. Petet. 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. Petet's copy of this decision to Ms. Petet by overnight express delivery.

John F. Edwards
Special Master

³ \$9,102.78 + \$11,690.30 + \$858.81.

⁴ \$21,651.89 - \$858.81. The special master assumes that, in keeping with typical Program practice, Mr. Webb is responsible for disbursing funds to Mr. Homer.