

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

(Filed: April 28, 2008)

DO NOT PUBLISH

CLAIR SWAISS,)	
)	
Petitioner,)	
)	
v.)	No. 06-0638V
)	Attorneys' Fees; Attorneys' Costs;
SECRETARY OF)	Personal Expenses
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION ON ATTORNEYS' FEES, ATTORNEYS' COSTS AND PERSONAL EXPENSES¹

Petitioner, Clair Swaiss (Ms. Swaiss), seeks an award of \$20,332.14 in attorneys' fees, attorneys' costs and personal expenses as defined by General Order No. 9 for an action that she pursued successfully under the National Vaccine Injury Compensation Program (Program).² See generally Petitioner's Application for Fees and Costs, filed April 7, 2008. Ms. Swaiss represents that she incurred \$270.00 in personal expenses as defined by General Order No. 9. See Petitioner and Counsel Statement, filed April 25, 2008. Respondent does not object. See Status Report, filed April 23, 2008.

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 Act mandates the award of “reasonable attorneys’ fees” and “other costs” because Ms. Swaiss received Program compensation. § 300aa-15(e)(1). The special master has considered carefully Ms. Swaiss’s Fee Petition. Based upon his experience, the special master determines that the Fee Petition is appropriate.

In the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. Swaiss’s favor for \$20,332.14 in attorneys’ fees, attorneys’ costs and personal expenses as defined by General Order No. 9. The judgment shall provide that Ms. Swaiss’s attorney of record, Ronald C. Homer, Esq. (Mr. Homer), may collect \$20,062.14 from Ms. Swaiss.³ Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

s/John F. Edwards
John F. Edwards
Special Master

³ \$20,332.14 - \$270.00 for Ms. Swaiss’s personal expenses as defined by General Order No. 9.