

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 06-227V

(E-Filed: April 3, 2013)

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SAEID B. MOJABI and PARIVASH
VAHABI, as parents and legal
representatives of their minor son,
RYAN B. MOJABI,

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UNPUBLISHED

Petitioners,

*

Chief Special Master
Campbell-Smith

v.

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Stipulation of Attorneys’
Fees and Costs

SECRETARY OF HEALTH AND
HUMAN SERVICES,

*
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Respondent.

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David L. Terzian, Rawls, McNelis & Mitchell, P.C., for petitioners.

Traci R. Patton, United States Department of Justice, Washington, DC, for respondent.

DECISION¹

On March 23, 2006, Saeid Mojabi and Parivash Vahabi (“petitioners”), filed a petition for compensation on behalf of their son, Ryan, alleging that he suffered certain injuries as a result of receiving one or more vaccine(s) listed on the Vaccine Injury Table.

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision on the website of the United States Court of Federal Claims in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). 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 a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or 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.

Petitioners sought an award under the National Vaccine Injury Compensation Program (the Act or the Program).²

On December 13, 2012, the undersigned issued a decision based on respondent's proffer awarding compensation. See Decision Awarding Damages.

On April 3, 2013, the parties filed a stipulation of facts concerning attorneys' fees and costs to which the parties had agreed during informal discussions. Stip. of Fact Concerning Attorneys' Fees and Costs at ¶ 4. In accordance with General Order #9, petitioners filed a statement indicating that they had incurred \$1,261.17, in costs to pursue their claim. Id. ¶ 4(a).

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioners' request and respondent's counsel's lack of objection to petitioners' counsel's fee request, the undersigned **GRANTS** petitioners' motion for approval and payment of attorneys' fees and costs. Accordingly, an award should be made in the form of a check payable jointly to petitioners and Rawls, McNelis & Mitchell, P.C., in the amount of **\$67,449.33**, and in the form of another check made payable to petitioner only in the amount of **\$1,261.17**. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia Campbell-Smith
Chief Special Master

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.