

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

(E-Filed: September 5, 2008)

No. 98-892V

_____	)	
KAREN ODUM DUDLEY,	)	UNPUBLISHED
	)	Attorneys' Fees and Costs
Petitioner,	)	
	)	
v.	)	
	)	
SECRETARY OF THE DEPARTMENT OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
_____	)	

Clifford J. Shoemaker, Vienna, VA, for petitioner.

Rebecca Trinrud, Washington, DC, for respondent.

### **ATTORNEYS' FEES AND COSTS DECISION**<sup>1</sup>

On March 5, 1999, petitioner, Karen Odum Dudley, filed a petition pursuant to the National Vaccine Injury Compensation Program<sup>2</sup> (the Act or the Program), 42 U.S.C. §

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<sup>1</sup> Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless an issued decision contains trade secrets or commercial or financial information that is privileged or confidential, or the decision contains medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. When a special master files a decision or substantive order with the Clerk of the Court, each party has 14 days within which to identify and move for the redaction of privileged or confidential information before the document's public disclosure.

<sup>2</sup> Hereinafter, for ease of reference, all "section" references to the Vaccine Injury Compensation Act will be to the pertinent subdivision of 42 U.S.C. § 300aa (2006 ed.).

300aa-10 et seq. On January 1, 2008, the undersigned issued a Decision finding that petitioner's filed medical records did not support a finding of entitlement.

On July 29, 2008, petitioner's counsel filed an Application for Attorney's Fees and Costs (Fee Application), requesting a total of \$24,303.30, in attorneys' fees and costs and petitioner's expenses. On August 11, 2008, respondent's counsel filed Respondent's Response to Petitioner's Application for Attorney's Fees and Costs (Respondent's Response), memorializing respondent's objections to petitioner's fee application. On August 26, 2008, pursuant to the undersigned's order, petitioner filed a reply to respondent's response and an amended application for attorneys' fees and costs. See Petitioner's Reponse [sic] to Respondent's Opposition to Petitioner's Application for Attorney's Fees and Costs and Amended Application for Attorney's Fees and Costs (Petitioner's Reply). On August 28, 2008, the undersigned convened a status conference with the parties to discuss the effect, if any, of petitioner's reply on respondent's objections. Subsequently, on September 4, 2008, petitioner filed an Amended Application for Attorneys' Fees and Costs, requesting a total of \$22,223.30 for attorneys' fees and costs and petitioner's expenses. In the amended fee application, petitioner represents that respondent has reviewed petitioner's fee application and does not object to an award of \$22,223.30.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the agreement of the parties and the reasonableness of the amended request for fees, the undersigned **GRANTS** the attorneys' fees and costs as stated in petitioner's amended fee application.

The undersigned awards petitioner \$22,223.30 in fees and costs.

Therefore, in the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of \$22,223.30 in attorneys' fees and costs and petitioner's costs.<sup>3</sup> The judgment shall reflect that the Shoemaker and Associates law firm may collect \$21,769.46 from petitioner. Petitioner may retain \$453.84 for costs borne by petitioner.

**IT IS SO ORDERED.**

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

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