

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 08-477 V

Filed: August 24, 2012

Not for Publication

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GARY BRAGG, Executor of the Estate of \*  
EDGAR BRAGG, Deceased, \*

Petitioner, \*

Attorneys' Fees & Costs Decision  
Based on Stipulation of Fact

v. \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

Robert T. Moxley, Cheyenne, WY, for petitioner.

Darryl R. Wishard, Washington, DC, for respondent.

**MILLMAN, Special Master**

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

On August 24, 2012, the parties filed a stipulation in which they agreed on an appropriate amount for attorneys' fees and costs in this case.

In accordance with the General Order #9 requirement, petitioner states that he incurred \$2,604.72 in costs to pursue his petition.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to redact such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall redact such material from public access.

On August 15, 2012, petitioner filed a Final Application for Attorneys' Fees and Costs, requesting \$46,727.25 in attorneys' fees and costs for Robert T. Moxley, P.C., \$27,550.21 in attorneys' fees and costs for Conway, Homer & Chin-Caplan, P.C., and \$2,604.72 in costs for petitioner. During informal discussions, respondent raised objections to certain items. Based on these objections, petitioner now amends his application and requests \$41,217.25 in attorneys' fees and costs for Robert T. Moxley, P.C., \$25,591.21 in attorneys' fees and costs for Conway, Homer & Chin-Caplan, P.C., and \$2,604.72 in costs for petitioner. Respondent does not object to these reduced amounts.

The undersigned finds these amounts to be reasonable. Accordingly, the court awards:

- a. **\$41,217.25**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check payable jointly to petitioner and Robert T. Moxley, P.C.;
- b. **\$25,591.21**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check payable jointly to petitioner and Conway, Homer & Chin-Caplan, P.C.; and
- c. **\$2,604.72**, representing reimbursement for petitioner's costs. The award shall be in the form of a check payable to petitioner.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: August 24, 2012

/s/ Laura D. Millman  
Laura D. Millman  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.