

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
(E-Filed: April 30, 2008)

LYNN MILLER,	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 99-541V
	)	
SECRETARY OF THE DEPARTMENT OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
	)	
	)	

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

On July 29, 1999, Lynn Miller filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 to 34 (the "Vaccine Program"). The petition seeks compensation for injuries allegedly related to petitioner's receipt of the hepatitis B vaccine on June 25, 1992. On March 19, 2008, the undersigned issued a decision that found that the parties' stipulation was appropriate under the Act. See Decision at 1.

On April 8, 2008, petitioner filed an Motion for Attorneys' Fees and Costs (Fee App.). On April 25, 2008, the parties filed a Joint Status Report Regarding Petitioner's Application for Attorneys' Fees and Costs and petitioner's counsel revised her request for reimbursement of fees and costs. Petitioners' counsel seeks an award of \$9,030.00 in attorneys' fees and costs which were incurred by petitioners' first counsel, the law firm of Shoemaker & Associates. In addition, petitioners' current counsel seeks an award of \$29,202.26, in attorneys' fees and attorneys' costs. Petitioners themselves incurred no costs.

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<sup>1</sup> In accordance with Vaccine Rule 18(b), 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. Rules of the United States Court of Federal Claims (RCFC), Appendix B, Vaccine Rule 18(b).

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 on respondent's counsel's agreement not to object to petitioners' counsel's fee request, the undersigned **GRANTS** the attorneys' fees and costs as outlined in Petitioners' Application for Fees and Costs.

The undersigned awards petitioner \$38,232.26 in fees and costs.

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 \$38,232.26 in attorneys' fees and attorneys' costs.<sup>2</sup> The judgment shall reflect that the Maglio Christopher & Toale law firm may collect \$29,202.26 from petitioners and the Shoemaker and Associates firm may collect \$9,030.00 from petitioners.

**IT IS SO ORDERED.**

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

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<sup>2</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.