

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 99-321V
Filed: February 17, 2010

BETTY FLUCK, *
 *
 Petitioner, *
 *
 v. * Attorney fees and costs; Stipulation
 *
 SECRETARY OF THE DEPARTMENT *
 OF HEALTH AND HUMAN SERVICES, *
 *
 Respondent. *
 *

DECISION¹

The parties filed a Stipulation for Fees on February 4, 2010, attached hereto. Following informal discussions, the parties stipulated to an amount of \$46,299.98 in attorney fees and costs. Also, petitioner advanced \$340.80 in reimbursable costs in addition to the attorney fees and costs. See Motion for Attorney Fees, filed January 25, 2010, attached Statement and Table.²

Accordingly, pursuant to Vaccine Rule 13 and after review of the parties' filings, petitioner is hereby awarded attorney fees and costs in the total amount of \$46,640.78. **The judgment shall reflect that petitioner is awarded \$46,299.98 for fees and costs in a check made payable jointly to petitioner and petitioner's counsel. Furthermore, petitioner is also awarded \$340.80 for costs in a check made payable to petitioner individually.** The court thanks the parties for their cooperative efforts in resolving this matter.

¹The undersigned intends to post this 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). 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.

² The parties' Stipulation for Fees contains a clerical error regarding petitioner's personal costs. The figure \$340.80 was verified from petitioner's prior Motion for Attorney Fees and the accompanying documentation.

The Clerk is directed to enter judgment according to this decision.³

IT IS SO ORDERED.

s/ Gary J. Golkiewicz
Gary J. Golkiewicz
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

_____)	
BETTY FLUCK,)	
)	
Petitioner,)	
)	
v.)	No. 99-321V
)	Chief Special Master Golkiewicz
SECRETARY OF HEALTH)	
AND HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

STIPULATION OF FACT CONCERNING ATTORNEY’S FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. Clifford J. Shoemaker is the attorney of record for petitioner in this matter.
2. Petitioner filed his initial Application for Fees and Costs on January 25, 2010.
3. In informal discussions, respondent raised objections to certain items in petitioner’s initial application. In response to these objections, petitioner has amended her Application for Fees and Costs in this matter to request reimbursement as follows: for petitioner’s personal costs, the amount of \$380.40; for attorney’s fees, the amount of \$39,359.75; and for attorney’s costs, the amount of \$6,940.23.
4. Petitioner has filed a statement in compliance with General Order #9 indicating that petitioner personally incurred \$340.80 in costs.
5. The parties now agree that a decision should be entered awarding attorney’s fees and costs payable to petitioner and petitioner’s attorney in the amount of \$46,299.98, and awarding petitioner’s personally incurred costs, payable to petitioner, in the amount of \$340.80.