

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 02-223V

Filed: January 19, 2007

NOT TO BE PUBLISHED

RYAN KELLEY, *

Petitioner, *

v. *

Attorney's Fees and Costs

SECRETARY OF THE DEPARTMENT *

OF HEALTH AND HUMAN SERVICES, *

Respondent. *

ATTORNEYS' FEES AND COSTS DECISION¹

GOLKIEWICZ, Chief Special Master.

Petitioner, Ryan Kelley, filed a Petition for Attorney's Fees and Costs on December 18, 2006. Petitioner requested a total of \$151,353.00 in attorney's fees and \$21,007.24 in attorneys' litigation costs, and \$776.76 in petitioner's litigation costs. See Petitioner's Application for Fees and Costs, filed December 18, 2006. On January 3, 2007, Petitioner filed a Supplemental Application for Fees and Costs requesting an additional \$1, 957.50 in attorneys' fees to be paid to petitioner's former counsel, Edmund Q. Collier. See Petitioner's Supplemental Application for Fees and Costs, filed January 3, 2007.

On January 9, 2007, petitioner filed an Amended Application for Fees and Costs, stating that respondent had reviewed petitioner's original and supplemental Application and had

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 trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and 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.

objections to petitioner's fees and costs. Petitioner's counsel agreed to reduce the attorneys' fees to \$138,500.00 and \$1347.50, for present and former counsel respectively. Petitioner stated that respondent had reviewed the amended application and had no objections to Petitioner's Amended Application for Fees and Costs. See Petitioner's Amended Application for Fees and Costs, filed January 9, 2007.

After reviewing the request, the court awards **\$161,632.50** in attorney's fees and other litigation costs, of which, **\$159,507.24** shall be made payable jointly to petitioner and his present counsel, and **\$1347.50** shall be made payable jointly to petitioner and his former counsel, Edmund Q. Collier. The remaining **\$776.76** shall be made payable solely to petitioner. The court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master

²Pursuant 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.