

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-551V

Filed: December 31, 2008

Not To Be Published

JEFFREY F. MILLER,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Attorneys' Fees and Costs

DECISION¹

GOLKIEWICZ, Chief Special Master.

Petitioner filed an Application for Attorneys' Fees and Costs (initial application) on August 1, 2008. On October 10, 2008, petitioner filed an Amended Application for Attorneys' Fees and Costs (second application). On December 31, 2008 the parties contacted the court and indicated respondent's counsel had reviewed petitioner's initial application and second application and had certain objections to petitioner's request for fees and costs. Petitioner's counsel agreed to reduce his request to a total of **\$23,955.65** in attorneys' fees and costs, and

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims' 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.

\$544.35 in costs to petitioner. Respondent's counsel indicated she had no objection to petitioner's reduced request for attorneys' fees and other litigation costs.

After reviewing the request, the court awards **\$24,500.00** in attorneys' fees and other litigation costs, of which, **\$23,955.65** shall be made payable jointly to petitioner and petitioner's law firm Shoemaker & Associates. The remaining **\$544.35** 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.

s/ Gary J. Golkiewicz
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.