

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-423V

Filed: January 25, 2011

RICKY G. BUTTS,)	
)	NOT TO BE PUBLISHED
Petitioner,)	
)	
v.)	
)	
SECRETARY OF)	Attorneys' Fees and Costs;
HEALTH AND HUMAN SERVICES,)	Stipulation.
)	
Respondent.)	

F. John Caldwell, Jr., Maglio Christopher & Toale, P.A., for Petitioner;
Voris E. Johnson, Jr., United States Dep't of Justice, Washington, D.C., for Respondent.

DECISION¹

LORD, Chief Special Master.

Petitioner in the above-captioned case filed a stipulation of fact regarding attorneys' fees and costs (the "Stipulation") on January 21, 2011. After informal discussions with Respondent, Petitioner requests an award of \$28,105.67 in attorneys' fees and costs. Respondent does not object to this request. In accordance with General Order #9, Petitioner represents that he incurred no out-of-pocket expenses in personal litigation costs. Id.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the court finds the stipulated amount of \$28,105.67, in attorneys' fees and costs to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Stipulation.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$28,105.67** in attorneys' fees and costs.

¹As provided by Vaccine Rule 18(b), each party has 14 days within which to request the redaction "of any information furnished by that party (1) that is 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." Rules of the United States Court of Federal Claims (RCFC), Appendix B, Vaccine Rule 18(b). In the absence of a timely objection, the entire document will be made publicly available.

The judgment shall reflect that Petitioner is awarded attorneys' fees and costs in a **check made payable jointly to Petitioner and Petitioner's counsel, F. John Caldwell, Jr., of Maglio Christopher & Toale, P.A., in the amount of \$28,105.67.**

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

S/ Dee Lord

Dee Lord
Chief Special Master

² 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.