

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-411V

Filed: December 14, 2011

CHERYL A. CASTAGNA,)	
)	NOT TO BE PUBLISHED
Petitioner,)	
)	
v.)	Stipulation; attorneys' fees and
)	costs; award in the amount to
SECRETARY OF)	which respondent does not object
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

Clifford J. Shoemaker, Shoemaker and Associates, Vienna, VA, for Petitioner;
Alexis B. Babcock, United States Dep't of Justice, Washington, D.C., for Respondent.

DECISION ON FEES AND COSTS¹

LORD, Special Master.

On December 13, 2011, the parties in the above-captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of attorneys' fees and costs in this case. After informal discussions with Respondent, Petitioner requests a total award of \$136,116.27 in attorneys' fees and costs. In accordance with General Order #9, Petitioner's counsel represents that Petitioner incurred \$1,490.56 in reimbursable personal litigation costs. Respondent does not object to this request. 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 \$136,116.27 in attorneys' fees and costs and \$1,490.56 in Petitioner's out-of-pocket expenses 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 **\$137,606.83** in attorneys' fees and costs and out-of-pocket litigation costs. The judgment shall reflect that Petitioner is awarded fees and costs as follows:

¹ In accordance with Vaccine Rule 18(b), petitioner has 14 days to file a proper motion seeking redaction of medical or other information that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Redactions ordered by the special master, if any, will appear in the document as posted on the United States Court of Federal Claims' website.

- (1) a lump sum of \$136,116.27 in the form of a check payable jointly to Petitioner and Petitioner's counsel, Clifford J. Shoemaker, Shoemaker & Associates, for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e); and**
- (2) a lump sum of \$1,490.56 in the form of a check payable to Petitioner only for personal litigation costs.**

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
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.