

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-643V

Filed: December 3, 2010

KYLE A. EDWARDS,)	
)	NOT TO BE PUBLISHED
)	
Petitioner,)	
v.)	Attorneys' Fees and Costs;
)	Unopposed request.
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	

Ronald L. Rosenfield, Cleveland, OH, for Petitioner.

Darryl R. Wishard, United States Dep't of Justice, Washington, D.C. for Respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

LORD, Chief Special Master.

Petitioner in the above-captioned case filed a motion for attorneys' fees and costs (the "Application") on December 2, 2010. Petitioner requests a total amount of \$2,782.74 in attorneys' fees and costs. This amount represents \$2,133.33 in attorneys' fees and \$649.41 in attorney costs. On December 3, 2010, Respondent filed a response to the Application stating that Respondent does not concur with Petitioner's requested hourly rate of \$400.00 per hour for Petitioner's attorney, Mr. Rosenfield, but that given the overall number of hours spent on the case by Mr. Rosenfield and the total requested fees, Respondent does not object to an overall award of fees and costs of \$2,782.74 to Petitioner. Id. In accordance with General Order #9, Petitioner represents that he incurred no personal litigation costs. Id. Respondent states that she has no objection to this request.

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 requested award of \$2,782.74 in attorneys' fees and costs to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Application.

¹ The 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).

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$2,782.74** in attorneys' fees and costs.

The judgment shall reflect that Petitioner is awarded attorneys' fees and costs in a **check made payable jointly to Petitioner and Petitioner's counsel, Ronald L. Rosenfield, in the amount of \$2,782.74.**

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 according to this decision.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.