

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-597V

Filed: September 26, 2011

KIMBERLY K. GAINEY,)	
)	
Petitioner,)	NOT TO BE PUBLISHED
)	
v.)	Stipulation; attorneys' fees and costs
)	
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	

Daniel M. Soloway, The Soloway Law Firm, Pensacola, F.L., for Petitioner;
Lynn E. Ricciardella, United States Dep't of Justice, Washington, D.C., for Respondent.

DECISION¹

LORD, Special Master.

On September 20, 2011, the Petitioner in the above-captioned case filed an application and motion for attorneys' fees and costs. This application and motion is supported by a stipulation filed on September 12, 2011, by the Respondent memorializing the parties' agreement as to the appropriate amount of attorneys' fees and costs in this case. Petitioner, Kimberly K. Gainey, therefore requests \$132,757.55 in attorneys' fees and \$35,966.34 in costs. In accordance with General Order #9, Petitioner's counsel represents that Petitioner incurred no personal litigation costs, nor any out-of-pocket expenses. Respondent does not object 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 stipulated total award of \$168,723.89 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 **\$168,723.89** in attorneys' fees and costs. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). 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 ruling will be available to the public. Id.

in a check made payable jointly to Petitioner and Petitioner's counsel, Daniel M. Soloway, The Soloway Law Firm, Pensacola, FL, in the amount of \$168,723.89.

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.