

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-240 V

Filed: July 13, 2011

Not for Publication

CHARESE BENTLEY, *

*

Petitioner, *

*

v. * Attorneys' fees and costs

*

SECRETARY OF THE DEPARTMENT *

OF HEALTH AND HUMAN SERVICES, *

*

Respondent. *

*

Mark T. Sadaka, Englewood, NJ, for petitioner.

Althea Walker Davis, Washington, D.C., for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On November 29, 2010, after a status conference in which petitioner's counsel moved to withdraw, the undersigned issued an Order granting petitioner's motion. On June 15, 2011, the undersigned issued a decision dismissing this case for failure to prosecute. On June 24, 2011, petitioner's former counsel filed a Motion for Attorney's Fees and Costs, seeking \$7,929.35 in total attorneys' fees and costs. On July 8, 2011, respondent filed a Response to Former Counsel's Motion for Attorney's Fees and Costs, in which respondent stated that she did not object to an award of \$6,429.25 in attorneys' fees and \$1,045.28 in attorneys' costs for a total of \$7,474.53. In

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to redact such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall redact such material from public access.

accordance with the General Order #9 requirements, petitioner's counsel states in an e-mailed document dated July 11, 2011 that petitioner incurred no costs to pursue her petition. In a telephone conversation with the undersigned's law clerk, petitioner's former counsel stated that he accepted respondent's amount to which she does not object. The court finds this amount to be reasonable.

The court hereby awards attorneys' fees and costs in the amount set forth therein. Pursuant to the respondent's response and petitioner's agreement to it, the court awards a total of **\$7,474.53**, representing reimbursement for **\$6,429.25** in attorneys' fees and **\$1,045.28** in attorneys' costs. The award shall be in the form of one check made jointly payable to petitioner and Mark T. Sadaka in the amount of **\$7,474.53**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

Dated: _____

Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.