

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 04-81V

Filed: July 26, 2013

Not for publication

CHRISTINE BOLANDER and *
JOSEPH A. BOLANDER III for their own *
benefit and for the benefit of their daughter *
KATLYN ANN BOLANDER, *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

John F. McHugh, New York, NY, for petitioners.
Traci R. Patton, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On July 26, 2013, the parties filed a stipulation of fact in which they agreed on an appropriate amount for attorneys' fees and costs in this case.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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, a 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.

Attorneys' Fees & Costs Decision
Based on Stipulation of Fact

In accordance with the General Order #9 requirement, petitioners' counsel asserts that petitioners did not incur any costs in pursuit of their petition.

Petitioners filed an application for attorneys' fees and costs on May 22, 2013. Petitioners requested \$139,528.25 in attorneys' fees and \$13,059.66 in attorneys' costs for the services of four separate law firms. During informal discussions, respondent raised objections to certain items. Based on these objections, petitioners now amend their request for attorneys' fees and costs and request \$141,886.29, consisting of \$115,586.29 in attorneys' fees and costs for the services of John F. McHugh, \$13,300.00 in attorneys' fees and costs for the services of Conway, Homer & Chin-Caplan, P.C., \$5,000.00 in attorneys' fees and costs for the services of Donald Cappillino, Esq., and \$8,000.00 in attorneys' fees and costs for the services of McCabe & Mack, LLP. Respondent does not object to the reduced amount. The undersigned finds this amount to be reasonable. Accordingly, the court awards:

- a. **\$115,586.29**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check payable jointly to petitioners and John F. McHugh in the amount of **\$115,586.29**;
- b. **\$13,300.00**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check payable jointly to petitioners and Conway, Homer & Chin-Caplan, P.C. in the amount of **\$13,300.00**;
- c. **\$5,000.00**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check payable jointly to petitioners and Donald Cappillino, Esq. in the amount of **\$5,000.00**; and
- d. **\$8,000.00**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check payable jointly to petitioners and McCabe & Mack, LLP in the amount of **\$8,000.00**.

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: July 26, 2013

/s/ Laura D. Millman
Laura D. Millman
Special Master

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