

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 07-138V

Filed: March 7, 2011

Not for Publication

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JENNIFER B. JOHNSON, as mother and \*  
legal representative of the estate of \*  
ALEXANDER L. JOHNSON, \*

Petitioner, \*

Attorneys' Fees and Costs  
Based on Stipulation

v. \*

SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

David L. Terzian, Richmond, VA, for petitioner.

Michael P. Milmo, Washington, D.C., for respondent.

**MILLMAN, Special Master**

### **DECISION AWARDING ATTORNEYS' FEES AND COSTS<sup>1</sup>**

On December 16, 2010, Petitioner filed a Motion for Relief pursuant to U.S. Court of Federal Claims Rule 60(b), wherein Petitioner requested a supplemental award for attorneys' fees and costs. On March 3, 2011, the parties filed the attached stipulation, in which they agreed to settle the issue of supplemental fees and reimbursement of litigation costs for a total of \$5000.00, representing both fees and costs.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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 delete 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 delete such material from public access.

In compliance with General Order #9, Petitioner's counsel hereby represents that of the **\$5000.00, \$2,551.25** was incurred by Petitioner in out-of-pocket expenses. I find these amounts to be reasonable.

The court hereby adopts the parties' said stipulation, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards **\$2,448.75**, representing attorneys' fees and costs, which shall be in the form of one check made jointly payable to petitioner and Rawls, McNelis and Mitchell, P.C. The remaining balance of the \$5,000.00, or **\$2,551.25** for Petitioner's out-of-pocket costs, shall be in the form of one check, made payable solely to Petitioner.

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.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: March 7, 2011

/s/ Laura D. Millman

Laura D. Millman  
Special Master

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<sup>2</sup> 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.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS**

JENNIFER B. JOHNSON, As Mother and	)	
Legal Representative of the Estate of	)	
ALEXANDER L. JOHNSON,	)	
	)	
Petitioner,	)	
	)	No. 07-138V
v.	)	Special Master Millman
	)	
SECRETARY OF HEALTH AND	)	
HUMAN SERVICES,	)	
	)	
Respondent.	)	
	)	

STIPULATION OF FACT FOR ATTORNEYS' FEES AND COSTS

On December 16, 2010, petitioner filed a Motion For Relief Pursuant to United States Court of Federal Claims Rule 60(b), wherein petitioner requested a supplemental award for attorneys' fees and costs.

WHEREFORE, IT IS HEREBY STIPULATED by and between the parties that supplemental fees and reimbursement of litigation costs in the amount of Five Thousand Dollars (\$5,000.00) for the firm of Rawls, McNelis and Mitchell is reasonable and was incurred by petitioner in furtherance of the petition, and that said amount of compensation should be made payable jointly to petitioner and petitioner's attorneys pursuant to 42 U.S.C. § 300aa-15(e). In compliance with General Order #9, petitioner's counsel hereby represents that of this amount, petitioner has incurred \$2,551.25 in out-of-pocket expenses in proceeding on the petition in this case.

Respectfully Submitted,

ATTORNEY OF RECORD FOR  
PETITIONER:

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Dated: March 3, 2011