

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-391 V

Filed: January 11, 2012

Not for Publication

BRYCE G. MILNE,

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Petitioner,

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Attorneys' Fees and Costs Decision

v.

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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Respondent.

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Randall E. Smith, Saco, ME, for petitioner.

Julia W. McInerney, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On January 11, 2012, the parties communicated that they reached a figure for attorneys' fees and costs to which respondent does not object.

In accordance with the General Order #9 requirements, petitioner states that he incurred \$780.18 in costs to pursue his petition.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

Respondent has indicated that she will not object to \$91,317.72 in attorneys' fees and costs for Smith, Elliott, Smith and Garmey and \$780.18 for petitioner's costs. The undersigned finds these amounts to be reasonable. Accordingly, the court awards:

- a. **\$91,317.72**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of one check made jointly payable to petitioner and Smith, Elliott, Smith and Garmey in the amount of **\$91,317.72**; and
- b. **\$780.18**, representing reimbursement for petitioner's costs. The award shall be in the form of a check made payable solely to petitioner in the amount of **\$780.18**.

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: January 11, 2012

/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's filing a notice renouncing the right to seek review.