

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-665 V

Filed: April 9, 2012

Not for Publication

ROBERT J. PORTIER,

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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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Eric R. Nowak, New Orleans, LA, for petitioner.

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

MILLMAN, Special Master

AMENDED DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On February 22, 2012, petitioner filed an Application for Fees and Costs, requesting \$11,265.50 in attorney's fees and \$681.82 in attorneys' costs. On February 27, 2012, respondent's counsel stated that respondent has no objection to the application filed with the court. On February 29, 2012, the undersigned issued a decision awarding attorneys' fees and costs. This decision, however, contained a mathematical error with an incorrect sum of fees and costs. The undersigned issued an order striking the decision from the record on April 9, 2012. The

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

undersigned now issues this amended decision, awarding the correct amount of attorneys' fees and costs.

In accordance with the General Order #9 requirements, petitioner states that he did not incur any costs to pursue the petition.

The undersigned finds the requested amounts to be reasonable. Accordingly, the court awards **\$11,947.32**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of one check made jointly payable to petitioner and Harrell & Nowak, LLC, in the amount of **\$11,947.32**.

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: April 9, 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.