

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-818V

Filed: August 12, 2013

Not for Publication

ARTHUR ROE and NONA ROE, As *
Parents and Natural Guardians of J.R., *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

Anne C. Toale, Sarasota, FL, for petitioners.
Michael P. Milmo, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

Petitioners filed an Application for Attorneys' Fees and Costs on May 31, 2013. Petitioners requested \$23,118.56 in attorneys' fees and costs and \$3,694.30 in petitioners' costs. Respondent filed a Response to Petitioners' Application for Attorneys' Fees and Costs on July 17, 2013. During informal discussions, respondent raised objections to certain items in petitioners' Application for Attorneys' Fees and Costs. Based on these objections, petitioners now amend their request for attorneys' fees and costs and request \$21,618.56 in attorneys' fees and costs and \$3,694.30 in petitioners' conservatorship costs. Respondent does not object to petitioners'

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

request for \$21,618.56 in attorneys' fees and costs. On August 7, 2013, petitioners filed the affidavit of attorney Joni M. Fixel in support of their request for reimbursement of conservatorship costs. The undersigned finds Ms. Fixel's affidavit to be credible. Because the undersigned finds Ms. Fixel's affidavit to be credible, respondent does not object to petitioners' request for \$3,694.30 in costs to obtain a conservatorship of J.R. The undersigned finds these amounts to be reasonable. Accordingly, the court awards:

- a. **\$21,618.56**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check payable jointly to petitioners and Maglio Christopher & Toale, PA in the amount of **\$21,618.56**; and
- b. **\$3,694.30**, representing reimbursement for petitioners' costs. The award shall be in the form of a check payable to petitioners in the amount of **\$3,694.30**.

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: August 12, 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.