

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 07-20 V

Filed: December 17, 2010

Not for Publication

LOUISE SCHMIDT,

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Attorneys' Fees and Costs

Petitioner,

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v.

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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Respondent.

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Carol L. Gallagher, Somers Point, NJ, for petitioner

Glenn A. MacLeod, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On October 12, 2010, petitioner filed an application for attorneys' fees and costs. Petitioner requested a total of **\$226,846.80** in attorneys' fees and costs, consisting of **\$173,743.75** in attorneys' fees and **\$53,104.36** in attorneys' costs. Respondent filed a response on November 30, 2010. Petitioner filed her reply to respondent's response on December 14, 2010. Petitioner filed a Supplemental Application for Petitioner's Fees and Cost[s] on December 14, 2010. The undersigned held a telephonic status conference with counsel on December 17, 2010 during which the undersigned expressed her views on the various issues raised. After considering the undersigned's views, respondent's counsel stated he does not object to the amounts which 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¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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 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.

undersigned suggested and to which petitioner's counsel agreed, which are:

- (1) \$155,065.00 in attorneys' fees in a check to be made payable to petitioner and to Gallagher & Gallagher Law Firm LLC.
- (2) \$ 52,604.36 in attorneys' costs in a check to be made payable to petitioner and to Gallagher & Gallagher Law Firm LLC.
- (3) \$500.00 in petitioner's own costs in a check to be made payable to petitioner.

The award shall be in the form of two checks, the first check made jointly payable to petitioner and the law firm Gallagher & Gallagher Law Firm LLC in the amount of **\$207,669.36**, and the second check in the amount of **\$500.00** made payable to petitioner only.

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: December 17, 2010

/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.