

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 03-350 V

Filed: January 27, 2012

Not for Publication

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MADELINE WILK,

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Petitioner,

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v.

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Attorneys' Fees and Costs Decision

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SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

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Respondent.

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Clifford J. Shoemaker, Vienna, VA, for petitioner.

Alexis B. Babcock, Washington, DC, for respondent.

**MILLMAN, Special Master**

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

On January 26, 2012, the parties communicated that they reached an amount to which respondent does not object.

Petitioner originally requested \$93,274.36 in attorneys' fees and costs. After informal discussions with respondent's counsel, petitioner reduced her request to \$86,500.00. In addition, petitioner originally requested reimbursement for \$3,847.07 in costs incurred to pursue the petition

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 Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

pursuant to General Order #9. After informal discussions, petitioner reduced her request to \$1,900.00 in costs.

Respondent has indicated that she will not object to an award of \$86,500.00 in fees and costs for Shoemaker & Associates and \$1,900.00 for petitioner's costs. The undersigned finds these amounts to be reasonable. Accordingly, the court hereby awards:

- a. **\$86,500.00**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of one check made jointly payable to petitioner and Shoemaker & Associates in the amount of **\$86,500.00**;
- b. **\$1,900.00**, representing reimbursement for petitioner's costs. The award shall be in the form of a check made payable to petitioner in the amount of **\$1,900.00**.

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: January 27, 2012

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.