

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 98-627 V

Filed: April 16, 2010

Not for Publication

BOHN D. DUNBAR,

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Petitioner,

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Attorneys' Fees and Costs

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

Catherine E. Reeves, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEY'S FEES AND COSTS¹

On March 31, 2010, petitioner filed a petition for attorneys' fees and costs. Petitioner requested **\$131,456.53** in fees and **\$74,450.87** in costs. In compliance with General Order #9, petitioner states that he incurred **\$8,207.26** in expenses.

On April 15, 2010, respondent filed a stipulation of fact concerning attorneys' fees and costs. Based on the stipulation, attached to this decision, petitioner has amended his fee application and now requests **\$120,000.00** in fees and **\$70,000.00** in costs. Petitioner's revised requested amount for expenses incurred is **\$7,200.00**. On April 16, 2010, petitioner's counsel orally informed the undersigned's law clerk that the stipulation was acceptable. The court finds the amount requested by petitioner to be reasonable.

¹ The Court encourages the parties to review Vaccine Rule 18, which affords each party 14 days to object to disclosure of (1) trade secrets or commercial or financial information that is privileged or confidential, or (2) medical information that would constitute "a clearly unwarranted invasion of privacy."

Petitioner is awarded a total of **\$197,200.00** in attorneys' fees and costs. The clerk shall enter judgment for petitioner and shall direct that the award be in the form of a check made jointly payable to petitioner and Shoemaker and Associates in the amount of **\$190,000.00**. The clerk shall also direct a check be made payable solely to petitioner in the amount of **\$7,200.00**.

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.²

IT IS SO ORDERED.

Dated: April 16, 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.

Respectfully submitted,

ATTORNEY OF RECORD FOR
PETITIONER:

s/Clifford J. Shoemaker by
Catharine E. Reeves (w/permission)
CLIFFORD J. SHOEMAKER
SHOEMAKER & ASSOCIATES
9711 Meadlowlark Road
Vienna, Virginia 22182-1951
Tel: (703) 281-6395

Dated: April 15, 2010

ATTORNEY OF RECORD FOR
RESPONDENT:

s/Catharine E. Reeves
CATHARINE E. REEVES
Assistant Director
Torts Branch, Civil Division
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
Tel: (202) 307-1400

Dated: April 15, 2010