

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-435 V
Filed: April 30, 2010
Not to be Published

STEPHANIE PHIPPEN, *

*

Petitioner, *

*

Attorneys' Fees and Costs

v. *

*

SECRETARY OF THE DEPARTMENT *

OF HEALTH AND HUMAN SERVICES, *

*

Respondent. *

*

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

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

MILLMAN, Special Master.

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On April 8, 2010, petitioner filed an application for attorneys' fees and costs. Petitioner requested a total of **\$68,895.26** in attorneys' fees and costs, consisting of **\$42,240.82** in attorneys' fees and **\$26,654.44** in attorneys' costs. In compliance with General Order #9, petitioner states that she has incurred **\$318.90** in expenses.

On April 30, 2010, the parties jointly informed the undersigned's law clerk that they were

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

able to informally resolve the fee application. Petitioner now amends the fees and cost application and requests a total of **\$68,214.16** in this case. Petitioner now requests **\$41,740.82** in attorneys' fees and **\$26,154.44** in attorneys' costs. Petitioner's costs remain at **\$318.90**. Respondent has indicated that she will not object to the amended amount requested. The court finds the amount requested by petitioner to be reasonable.

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 & Associates in the amount of **\$67,895.26**. The clerk shall also direct that a check be made payable solely to petitioner in the amount of **\$318.90**.

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 30, 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.