

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-671 V

Filed: October 20, 2010

Not for publication

FERN THORNTON,
Personal Representative of the Estate of
LESTER EUGENE THORNTON,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

Attorneys' Fees and Costs

Terry J. Torline, Wichita, KS, for petitioner.
Glenn A. MacLeod, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On September 23, 2010, petitioner filed an application for attorneys' fees and costs. Petitioner requested \$46,668.50 in attorneys' fees and costs. In compliance with General Order #9, petitioner states that she incurred \$300.00 in expenses. On October 18, 2010, both parties informed the undersigned that petitioner amended the amount requested in attorneys' fees and costs. The petitioner now requests \$43,700.00 in attorneys' fees and costs. Respondent does not

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

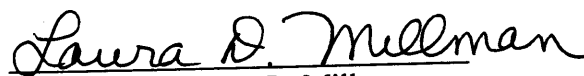
object to the revised amount. The court finds the revised amount requested by petitioner to be reasonable.

The court awards a total of **\$44,000.00** in this case, reflecting an award of **\$43,700.00** in attorneys' fees and costs, and **\$300.00** for petitioner's own costs. The award shall be in the form of one check made jointly payable to petitioner and the law firm Martin, Pringle, Oliver, Wallace & Bauer, LLP in the amount of **\$43,700.00**. A check shall also be made solely payable to petitioner in the amount of **\$300.00**.

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: Oct. 20, 2010


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.