

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 04-455V

Filed: August 21, 2009

Not for publication

ADAM GILBERT,

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Petitioner,

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v.

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Attorney's Fees and Costs

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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 petitioner.

MILLMAN, Special Master

DECISION AWARDING ATTORNEY'S FEES AND COSTS¹

On August 21, 2009, respondent's counsel informed the undersigned's law clerk that the parties had informally settled attorneys' fees and costs, and identified the fees and costs to which respondent would not object. The fee and costs requested by petitioner are delineated as follows: \$23,722.69 in attorney's fees, \$16,071.82 in attorney's costs, and \$377.62 in out-of-pocket expenses incurred by petitioner, consistent with petitioner's General Order #9 statement. The court finds the amount requested by petitioner to be reasonable.

The clerk shall enter judgment for **\$40,172.13** and shall direct that the award be in 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¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this decision on the United States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.

form of one check made jointly payable to petitioner and Mr. Clifford J. Shoemaker in the amount of **\$39,794.51**, for compensation for attorneys' fees and costs, and one check made payable to petitioner in the amount of **\$377.62**, for costs incurred by petitioner.

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: August 21, 2009

/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.