

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 07-364V

Filed: July 27, 2009

Not for publication

KAREN A. HARBIN, as Personal *
Representative of the Estate of RYKA *
NICOLE HARBIN, Deceased, and *
RICHARD GEORGE HARBIN and *
KAREN ANN HARBIN, as Natural Parents *
of RYKA NICOLE HARBIN, Deceased, *

Petitioners, *

Attorney's Fees and Costs

v. *

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

Marcus Clay Alspaugh, Birmingham, AL, for petitioners.

Michael P. Milmo, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEY'S FEES AND COSTS¹

On July 24, 2009, the parties notified the undersigned through her law clerk that they

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

have resolved attorney's fees and costs in this case. Petitioners originally filed a Petition for Attorney's Fees and Costs on June 30, 2009. However, after informal discussions with respondent's counsel, the parties negotiated an amended sum for compensation of **\$44,000.00** to which respondent does not object. In accordance with General Order #9, petitioners certify they did not incur any personal costs in furtherance of their petition.

The court hereby awards a total of **\$44,000.00**, representing reimbursement for attorney's fees and costs in this case. The award shall be in the form of one check made jointly payable to petitioner and Marcus Clay Alspaugh of Smith & Alspaugh, P.C.

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: July 27, 2009

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.