

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-431V

Filed: July 16, 2009

Not for publication

REBECCA S. KELLER,

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Petitioner,

*

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v.

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Attorney's Fees and Costs Based On
Stipulation

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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*

Respondent.

*

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

Lisa A. Watts, Washington, D.C., for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEY'S FEES AND COSTS¹

On July 15, 2009, the parties filed the attached Stipulation of Fact Concerning Attorney's Fees and Costs. In informal discussions, respondent raised objections to certain items in petitioner's initial fee application filed on June 22, 2009. Based on previous discussions,

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

petitioner amended her application to request reimbursement for attorney's fees and costs in the amount of **\$54,975.00**, consisting of **\$30,975.00 in attorney's fees**, and **\$24,000.00 in attorney's costs**. The parties now stipulate to an award of attorney's fees and costs in this case in the total amount of **\$54,975.00**, as described in paragraphs 3 and 4 of the attached stipulation. In accordance with General Order #9, petitioner also requests reimbursement in the amount of **\$2,165.75** for costs advanced in this action.

Having reviewed the attached stipulation, the undersigned finds the amount identified for compensation to be reasonable. The clerk shall enter judgment for **\$57,140.75** and shall direct that the award be in the form of a check made jointly payable to petitioner and Mr. Clifford J. Shoemaker in the amount of **\$54,975.00**, and one check made payable to petitioner in the amount of **\$2,165.75**.

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 16, 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.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

REBECCA S. KELLER,)	
)	
Petitioner,)	<u>ECF</u>
v.)	No. 99-431V
)	Special Master
SECRETARY OF HEALTH)	Laura D. Millman
AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

STIPULATION OF FACT CONCERNING ATTORNEY’S FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. Clifford J. Shoemaker is the attorney of record for petitioner, Rebecca S. Keller. Mr. Shoemaker has been practicing law in since 1977 in the areas of drug and product liability, personal injury, and vaccine injuries.
2. Petitioner filed her initial Attorney’s Fees and Costs Application on June 22, 2009.
3. In informal discussions, respondent raised objections to certain items in petitioner’s application. Based on these discussions, petitioner has amended her Application for Attorney’s Fees and Costs in this matter to request reimbursement for Attorney’s Fees in the amount of \$30,975.00, and Attorney’s Costs in the amount of \$24,000.00.
4. In addition, petitioner requests reimbursement in the amount of \$2,165.75 for costs advanced in this action.
5. The parties now agree that a decision should be entered awarding Attorney’s Fees and Costs described in paragraphs 3 and 4 of this stipulation.

Respectfully submitted,

ATTORNEY OF RECORD FOR
PETITIONER:

s/Clifford J. Shoemaker
CLIFFORD J. SHOEMAKER, ESQ.
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Dated: July 15, 2009

ATTORNEY OF RECORD FOR
RESPONDENT:

s/Lisa A. Watts
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Dated: July 15, 2009