

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-522V

Filed: August 17, 2009

Not for publication

KENNETH ROBINSON, *

Petitioner, *

v. * Attorney's fees and costs

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

Respondent. *

Clifford J. Shoemaker, Vienna, VA, for petitioner.
Melonie J. McCall, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEY'S FEES AND COSTS¹

On May 14, 2008, petitioner filed a Motion for Attorney's Fees and Costs. On May 20, 2008, petitioner filed a Motion to Amend petitioner's May 14th Motion for Attorney's Fees. On June 27, 2008, respondent filed a Response to petitioner's requested fees and costs. On July 7, 2008, petitioner filed a Reply to respondent's June 27th Response. Petitioner filed additional documentation in support of his fee application on August 27, 2008. On September 24, 2009,

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

the undersigned issued an order requiring petitioner to provide additional evidence supporting some of the expenses claimed by petitioner. In an order filed October 23, 2008, the undersigned extended the deadline for petitioner to file the above-noted documentation. Petitioner filed the additional documentation in compliance with the undersigned's September 24th Order on November 24, 2008. On August 5, 2009, petitioner communicated to the undersigned's law clerk that petitioner would be willing to accept \$28,000.00 as reasonable compensation for attorney's fees and costs and \$219.54 in personal expenses incurred by petitioner. Respondent's counsel has indicated that respondent would not object to an award of \$28,000.00 in attorney's fees and costs and \$219.54 in petitioner's costs.

In compliance with General Order #9, petitioner states that he has incurred \$219.54 in personal expenses. **Accordingly, the undersigned hereby awards petitioner \$28,219.54**, and directs the award be in the form of one check made jointly payable to petitioner and Mr. Clifford J. Shoemaker in the amount of **\$28,000.00** and one check made payable to petitioner in the amount of **\$219.54**.

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.

Date: August 17, 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.