

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 05-1024V

Filed: July 8, 2009

Not for Publication

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SEAN VAN UUM and KATHLEEN \*  
VAN UUM, as parents and natural \*  
guardians of DEVON VAN UUM, \*  
\*  
Petitioners, \*

v. \*

Attorney's Fees and Costs

SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*  
\*  
Respondent. \*

\*\*\*\*\*

Donald P. Edwards, Atlanta, GA, for petitioners.  
Lisa A. Watts, Washington, DC, for respondent.

**MILLMAN, Special Master**

### DECISION AWARDING ATTORNEY'S FEES AND COSTS<sup>1</sup>

On July 1, 2009, petitioners filed the attached Stipulation of Fact Concerning Attorney's Fees and Costs. In informal discussions, respondent raised objections to certain items in petitioners' initial application, submitted informally to respondent on March 30, 2009. Based on these discussions, petitioners amended their application to request reimbursement for attorney's fees and costs in the amount of **\$104,390.69**, consisting of **\$70,636.60 in attorney's fees**, and

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 Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

**\$33,754.09 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 **\$104,390.69**, as described in paragraph 3 of the attached stipulation. In accordance with General Order #9, petitioners confirm that they incurred no costs in the prosecution of this case.

Having reviewed the attached stipulation, the undersigned finds the amount identified for compensation to be reasonable. The clerk shall enter judgment for **\$104,390.69** and shall direct that the award be in the form of a check made jointly payable to petitioners and Mr. Donald P. Edwards in the amount of **\$104,390.69**.

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.<sup>2</sup>

**IT IS SO ORDERED.**

Dated July 8, 2009

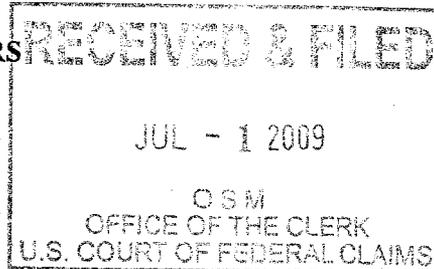
Laura D. Millman  
Laura D. Millman  
Special Master

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<sup>2</sup> 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



SEAN VAN UUM and KATHLEEN )  
VAN UUM, as parents and natural )  
guardians of DEVON VAN UUM, a minor )  
 )  
Petitioner, )  
 )  
v. )  
 )  
SECRETARY OF )  
HEALTH AND HUMAN SERVICES, )  
 )  
Respondent. )

No. 05-1024V  
Special Master Millman

**STIPULATION OF FACT CONCERNING ATTORNEY'S FEES AND COSTS**

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

1. Donald P. Edwards is the attorney of record for petitioners, Sean and Kathleen Van Uum. Mr. Edwards has been practicing law in Georgia since 1973 in the areas of personal injury, wrongful death, and medical malpractice.
2. Petitioner informally submitted her initial Attorney's Fees and Costs Application to respondent on March 30, 2009, and has supplemented same with additional information as requested by respondent.
3. In informal discussions, respondent raised objections to certain items in petitioner's initial 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 \$70,636.60, and Attorney's Costs in the amount of \$33,754.09.
4. A GO #9 statement will be filed by petitioners confirming that no costs were paid by them in this action.
5. The parties now agree that a decision should be entered awarding the attorney's fees and costs in the total amount of \$104,390.69, as described in paragraph 3 of this stipulation.

ATTORNEY OF RECORD FOR  
PETITIONER:



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DONALD P. EDWARDS, ESQ.  
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Tel: (404) 526-8866

Dated: \_\_\_\_\_

6/29/09

Respectfully submitted,

ATTORNEY OF RECORD FOR  
RESPONDENT:



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Dated: \_\_\_\_\_

7/1/09