

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

GARY RAY,

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No. 08-484V

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Special Master Christian J. Moran

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Petitioner,

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Filed: October 28, 2009

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v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

attorney's fees and costs, award in
the amount to which respondent has
not objected.

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Respondent.

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UNPUBLISHED DECISION¹

Gary Ray, Pro Se Petitioner, Neah Bay, WA, for Petitioner;
Voris E. Johnson, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

On October 20, 2009, the parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs. Appendix A. Mr. Ray is awarded the amount to which respondent has not objected.

Currently, Mr. Ray is acting pro se in this matter. Mr. Ray was previously represented by Mr. Raoul Y. Roth. Mr. Roth passed away on or around May 30, 2009. Prior to Mr. Roth's death, he granted his wife, Janice J. Roth, a Springing Power of Attorney, and she currently serves as the legal representative of Mr. Roth's estate. See Attachment 1 to Appendix A.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

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 clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

Mr. Ray has requested a total of **\$17,500.00** in attorneys' fees and costs on behalf of Mr. Roth's estate. Additionally, Mr. Ray filed a statement of costs in compliance with General Order No. 9, stating that he incurred no litigation costs. Respondent states that she has no objection to the stated amount for attorneys' fees and costs.

After reviewing the request, the undersigned finds the requested amounts reasonable. Thus, petitioner is awarded attorney's fees and other litigation costs. Those fees and costs are awarded as follows:

A lump sum of \$17,500.00 in the form of a check payable to petitioner and to the Estate of Mr. Raoul Y. Roth, as petitioner's attorney.

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.