

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

MERLE WIDVEY,

*

No. 07-509V

*

Special Master Christian J. Moran

*

Petitioner,

*

*

Filed: October 28, 2009

*

v.

*

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

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

*

*

Respondent.

*

*

UNPUBLISHED DECISION¹

David P. Murphy, Esq., Murphy & Associates, P.C., Greenfield, IN, for Petitioner;
Rebecca J. Trinrud, Esq., U.S. Dep't of Justice, Washington, D.C., for Respondent.

Petitioner, Merle Widvey, filed a petition for attorney's fees and costs on October 26, 2009. Mr. Widvey is awarded the amount to which respondent has not objected.

Mr. Widvey has requested a total of **\$5,717.50** in attorneys' fees and costs.² Initially, this

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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

² Petitioner's request for fees is being awarded at this time. However, in the future, petitioner's counsel shall take to care to ensure that an invoice for any expert fees listing the date, number of hours expended by the expert and a description of the services being rendered is filed with the fee application. See Guidelines for Practice Under the National Vaccine Injury

(continued...)

matter was brought by Mr. Widvey's wife, Ms. Alta Widvey, on behalf of her husband. The case caption was later amended to reflect Mr. Widvey as the sole petitioner. Mr. Widvey filed a statement of costs in compliance with General Order No. 9, stating that his wife, as a previous petitioner, incurred **\$4,335.69** in litigation costs. Petitioner states that respondent 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 \$5,717.50 in the form of a check payable to petitioner and petitioner's attorney, David P. Murphy, Murphy & Associates, PC.

A lump sum of \$4,335.69 made payable to petitioner's wife, Ms. Alta Widvey.

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

The Clerk shall enter judgment accordingly.³

IT IS SO ORDERED.

Christian J. Moran
Special Master

²(...continued)

Compensation Program, Section XIV.A.3. A general retainer is usually not adequate. However, due to the relatively small amount of money requested by Dr. Rushing, a detailed invoice is not required in this case.

³ 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.