

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-380 V

Filed: November 19, 2009

Not for publication

KARI ANDERSEN

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Petitioner,

*

*

v.

*

Attorney's Fees and Costs

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SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

*

*

*

Respondent.

*

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

Althea W. Davis, Washington, D.C., for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEY'S FEES AND COSTS¹

On November 18, 2009, the parties filed the attached stipulation, in which they agreed to settle the attorney's fees and costs in this case and described the settlement terms. Petitioner's counsel affidavit certifies that petitioner expended \$642.31 in out-of-pocket expenses in furtherance of the above-captioned petition.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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 court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards a total of **\$43,000.00**, representing reimbursement for attorney's fees and costs. The award shall be in the form of one check made jointly payable to petitioner and petitioner's attorney of record, Clifford J. Shoemaker, in the amount of **\$43,000.00**.

Additionally, the court shall also award a total of **\$642.31** to the petitioner, representing reimbursement for petitioner's out-of-pocket expenses. The award shall be in the form of a check made payable solely to petitioner, Kari Andersen, in the amount of **\$642.31**.

The total amount of the award in this case shall be **43,642.31**.

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.

November 19, 2009
DATE

/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

_____)	
KARI ANDERSEN,)	
)	
Petitioner,)	
v.)	No. 99-380V
)	Special Master Millman
)	
SECRETARY OF HEALTH)	
AND HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

STIPULATION OF FACT FOR ATTORNEY’S FEES AND COSTS

WHEREFORE, IT IS HEREBY STIPULATED by and between the parties that fees and reimbursement of litigation costs in the amount of Forty-three Thousand, Six Hundred Forty-two and 31/100 Dollars (\$43,642.31) for the firm of Shoemaker & Associates is reasonable and was necessarily incurred by petitioner in furtherance of the petition, and that said amount of compensation should be made payable jointly to petitioner and petitioner’s attorney of record pursuant to 42 U.S.C. § 300aa-15(e). In compliance with General Order #9, petitioner’s counsel hereby represents that of this amount, petitioner has incurred \$642.31 in out-of-pocket expenses in proceeding on the petition in this case.

Respectfully Submitted,

ATTORNEY OF RECORD FOR
PETITIONER:

/s/ CLIFFORD J. SHOEMAKER
Clifford J. Shoemaker, Esq.
Shoemaker & Associates
9711 Meadowlark Road
Vienna, Virginia 22182-1951
703-281-6395

ATTORNEY OF RECORD FOR
RESPONDENT:

/s/ ALTHEA WALKER DAVIS
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Dated: 18 November 2009