

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-443 V

Filed: May 24, 2010

Not for Publication

ROBERT A. LASKOFF,

*

*

Petitioner,

*

v.

*

Damages Decision Based on Proffer;

*

Attorneys' Fees and Costs

*

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

*

*

Respondent.

*

*

Randall E. Smith, Portland, ME, for petitioner.

Traci R. Patton, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING DAMAGES AND ATTORNEYS' FEES AND COSTS¹

On May 19, 2010, respondent filed a Proffer on Award of Compensation. Respondent proffered \$85,000.00 to petitioner representing all elements of compensation to which petitioner would be entitled, and petitioner agreed with the proffered amount. Based upon the record as a whole, the special master finds that petitioner is entitled to an award as stated in the Proffer. Pursuant to the attached Proffer, with Appendix, the court awards petitioner:

1. A lump sum payment of **\$85,000.00**, in the form of a check payable to petitioner,

¹ Because this decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this 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.

Robert A. Laskoff.

The clerk shall enter judgment for petitioner and shall direct that the award be in the form of a check made payable to petitioner in the amount of **\$85,000.00**.

Respondent proffers that petitioner should be awarded a total of **\$34,898.52** in attorneys' fees and costs, consisting of **\$32,750.00** in attorneys' fees and **\$2,148.52** in attorneys' costs. Petitioner agrees. In compliance with General Order #9, petitioner states that he has not incurred any expenses. The court finds the amount proffered by respondent to be reasonable.

The clerk shall enter judgment for **\$34,898.52** and shall direct that the award be in the form of a check made jointly payable to petitioner and Smith Elliott Smith & Garmey, P.A. in the amount of **\$34,898.52**.

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.

May 24, 2010
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.