

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-625V

Filed: June 30, 2011

THOMAS KOLAKOWSKI, deceased,)	
By his Parents, JEFFREY KOLAKOWSKI)	NOT TO BE PUBLISHED
And CATHY KOLAKOWSKI,)	
)	Stipulation; Attorneys' fees
Petitioners,)	
)	
v.)	
)	
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioners.
Ryan D. Pyles, United States Dep't of Justice, Washington, D.C., for Respondent.

DECISION¹

LORD, Special Master.

On June 24, 2011, the parties in the above-captioned case filed a Stipulation of Fact Concerning Final Attorneys' Fees and Costs (Stipulation) memorializing their agreement as to the appropriate amount of attorneys' fees and costs in this case. After informal discussions with Respondent, Petitioners request a total award of \$87,500.00 in attorneys' fees and costs. In accordance with General Order #9, Petitioners' counsel represents that Petitioners incurred no personal litigation costs. Respondent concurs with Petitioners' request.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the court finds the stipulated amount of \$87,500.00 in attorneys' fees and costs to be reasonable. Based on the request's

¹ The undersigned 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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire ruling will be available to the public. Id.

reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Stipulation.

Accordingly, pursuant to Vaccine Rule 13, Petitioners are awarded a total of **\$87,500.00** in attorneys' fees and costs. The judgment shall reflect that Petitioners are awarded attorneys' fees and costs as follows:

in a check made payable jointly to Petitioners and Petitioners' counsel in the amount of \$87,500.00.

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
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.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

THOMAS KOLAKOWSKI, deceased,)	
by his Parents, JEFFREY)	
KOLAKOWSKI and CATHY)	
KOLAKOWSKI,)	
)	
Petitioners,)	No. 99-625V
)	Special Master Sandra D. Lord
v.)	
)	
SECRETARY OF HEALTH)	
AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

**STIPULATION OF FACT CONCERNING
FINAL ATTORNEYS' FEES AND COSTS**

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

1. Ronald C. Homer is the attorney of record for petitioner in this matter.
2. Petitioners filed a Final Application for Attorneys' Fees and Costs ("Application") on June 9, 2011.
3. In informal discussions, respondent raised objections to certain items in petitioners' Application. Based on these discussions, petitioners have amended their Application in this matter to request reimbursement for attorneys' fees and costs in the amount of \$87,500.00, to which respondent does not object.
4. Pursuant to General Order #9, petitioners advanced no monies in reimbursable costs in pursuit of their claim that have yet to be awarded by the Court.
5. The parties now request that a decision awarding the final attorneys' fees and costs be issued, totaling \$87,500.00.