

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 10-171V

Filed: July 26, 2012

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RICHARD MOELLER and	)	
GRETCHEN MOELLER, as	)	
representatives of the estate of	)	
CHARLES JAMES BUSALACCHI,	)	
	)	NOT TO BE PUBLISHED
Petitioners,	)	
	)	
v.	)	Stipulation; attorneys' fees and
	)	costs; personal litigation costs;
SECRETARY OF	)	award in the amount to which
HEALTH AND HUMAN SERVICES,	)	respondent does not object
	)	
Respondent.	)	
_____	)	

Clifford J. Shoemaker, Shoemaker and Associates, Vienna, VA, for Petitioners;  
Glenn A. MacLeod, United States Dep't of Justice, Washington, D.C., for Respondent.

### **DECISION ON FEES AND COSTS**<sup>1</sup>

**LORD**, Special Master.

On July 26, 2012, the parties in the above-captioned case filed a Stipulation of Fact memorializing their agreement as to the appropriate amount of attorneys' fees and costs in this case. After informal discussions with Respondent, Petitioners reduced their initial attorneys' fees and costs request to a total award of \$23,500.00. In accordance with General Order #9, Petitioners filed a statement indicating that they incurred no reimbursable personal litigation costs. See App. Att'ys' Fees at 2, July 23, 2012, ECF No. 28. Respondent does not object to this 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 \$23,500.00 in attorneys' fees and costs to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Stipulation of Fact.

<sup>1</sup> In accordance with Vaccine Rule 18(b), petitioner has 14 days to file a proper motion seeking redaction of medical or other information that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Redactions ordered by the special master, if any, will appear in the document as posted on the United States Court of Federal Claims' website.

Accordingly, pursuant to Vaccine Rule 13, Petitioners are awarded a total of **\$23,500.00** in attorneys' fees and costs. The judgment shall reflect that Petitioners are awarded fees and costs as follows:

**A lump sum of \$23,500.00 in the form of a check payable jointly to Petitioners and Petitioners' counsel, Clifford J. Shoemaker, Shoemaker & Associates, for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e).**

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.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Dee Lord  
Dee Lord  
Special Master

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<sup>2</sup> 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.