

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-584 V

Filed: March 1, 2011

Not for Publication

CHARLES DAVID UMBARGER, *

Petitioner, *

v. *

Attorneys' Fees and Costs Decision
based on Stipulation

SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, *

Respondent. *

Elizabeth M. Muldowney, Richmond, VA, for petitioner.

Chrysovalantis P. Kefalas, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On March 1, 2011, the parties filed the attached stipulation, in which they agreed to settle the attorneys' fees and costs in this case and described the settlement terms. Petitioner requests **\$22,204.45** for attorneys' fees and costs in this case. The court finds the amount requested to be reasonable.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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.

In accordance with the General Order #9 requirements, petitioner states that \$466.78 in reimbursable costs were incurred to pursue this petition. The court finds this amount to be reasonable.

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 **\$22,204.45**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of one check made jointly payable to petitioner and Rawls, McNelis & Mitchell, PC, in the amount of **\$22,204.45**. A second check for petitioner's costs shall be made payable solely to petitioner, in the amount of **\$466.78**.

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.

Dated: March 1, 2011

/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

CHARLES DAVID UMBARGER,)	
)	
Petitioner,)	
)	
v.)	No. 10-584V
)	
SECRETARY OF HEALTH AND)	Special Master Millman
HUMAN SERVICES,)	
)	
Respondent.)	
)	

STIPULATION OF FACTS CONCERNING ATTORNEY'S FEES AND COSTS

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

1. Elizabeth M. Muldowney, with the law firm of Rawls, McNelis & Mitchell, PC, is the attorney of record for petitioner Charles David Umbarger.
2. Petitioner submitted a draft Application for Attorney's Fees and Costs to respondent on or about February 17, 2011.
3. In informal discussions, respondent and petitioner agreed on the petitioner's draft application amounts and petitioner request reimbursement in the following amounts payable jointly to petitioner and his attorney of record:
 - a. An award of \$22,204.45 for fees and costs incurred by the law firm of Rawls, McNelis & Mitchell, PC.
4. Pursuant to General Order #9, petitioner advanced \$466.78 in reimbursable costs payable solely to petitioner in pursuit of his claim. This amount is in addition to the attorney's fees and costs stated in paragraph 3, *supra*.
5. The parties now request that a decision awarding the attorney's fees and costs described in paragraphs 3 and 4, *supra*, totaling \$22,671.23, be issued.

Respectfully submitted,

/s/Elizabeth M. Muldowney
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Date: March 1, 2011