

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 07-136V

Filed: May 4, 2009

Not for publication

GERARD ABATE,

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Petitioner,

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v.

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Attorneys' Fees and Costs

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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Respondent.

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Richard W. Nicholson, New York, NY, for petitioner.

Julia W. McNerny, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On April 29, 2009, the parties notified the undersigned's law clerk that after informal negotiations regarding the attorneys' fees and costs in this case, petitioner had presented a total sum to which respondent would not object. Petitioner requests **\$32,552.87 for attorneys' fees**

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.

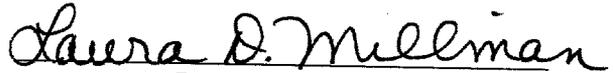
and costs, representing the combined sum of \$25,475.00 for attorneys' fees and \$6,827.87 in attorneys' costs, and the \$250.00 filing fee incurred by petitioner. Respondent has no objection to this request. The court finds the amount requested by petitioner to be reasonable.

The clerk shall enter judgment for **\$32,552.87** and shall direct that the award be in the form of one check made jointly payable to petitioner and Mr. Richard W. Nicholson in the amount of **\$32,302.87** and one check made payable to petitioner in the amount of **\$250.00**.

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: May 4, 2009


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.