

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-634V

Filed: July 11, 2011

MOISES VEGA,)	
)	NOT TO BE PUBLISHED
Petitioner,)	
)	
v.)	
)	Stipulation; Attorneys' fees
SECRETARY OF HEALTH)	
AND HUMAN SERVICES,)	
)	
Respondent.)	

Elizabeth M. Muldowney, Rawls, McNelis & Mitchell, P.C., Richmond, VA, for Petitioner
Ryan D. Pyles, United States Dep't of Justice, Washington, D.C., for Respondent

DECISION¹

ZANE, Special Master.

On July 1, 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, Petitioner requests a total award of \$33,880.20. Of this total amount, Petitioner requests \$30,225.00 in attorneys' fees and costs incurred by the law firm of Rawls, McNelis & Mitchell, P.C. In accordance with General Order #9, Petitioner's counsel represents that Petitioner incurred \$3,655.20, in personal litigation costs. Respondent agrees with Petitioner's 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 \$33,880.20, in attorneys' fees and costs and Petitioner's personal litigation costs to

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.

be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Stipulation.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$33,880.20** in attorneys' fees and costs, and in Petitioner's personal litigation costs. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

- (1) in a check made payable jointly to Petitioner (Moises Vega) and Petitioner's counsel (Ms Elizabeth Muldowney of the Law Firm of Rawls, McNelis & Mitchell, P.C.) in the amount of \$30,225.00, and**
- (2) in a check made payable to Petitioner (Moises Vega) only in the amount of \$3,655.20.**

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/ Daria Zane
Daria J. Zane
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.