

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 07-814 V  
Filed: April 28, 2010  
Not for Publication

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KIMBERLY ANN GEER, and RICHARD \*  
ROY RUSSELL, Jr., as Parents, Guardians \*  
and Next of Friends of RICHARD ROY \*  
RUSSELL, III, a minor, \*

Petitioners, \*

v. \*

SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*

Respondent. \*

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Erin A. Juzapavicus, Jacksonville, FL, for petitioners.  
Glenn A. MacLeod, Washington, DC, for respondent.

Attorneys' Fees and Costs

**MILLMAN, Special Master**

### **DECISION AWARDING ATTORNEYS' FEES AND COSTS<sup>1</sup>**

On March 29, 2010, petitioners filed an application for attorneys' fees and costs. Petitioners requested a total of \$14,770.30 in attorneys' fees and costs, consisting of \$7,507.50 in

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 Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

attorneys' fees and \$3,421.18 in attorneys' costs for the firm Wilner Hartley & Metcalf, P.A., and \$2,050.00 in attorneys' fees and \$1,791.62 in attorneys' costs for Ms. Erin A. Juzapavicus.

On April 28, 2010, petitioners orally amended their fee request and now request a total of **\$10,829.74** in this case. Petitioners now request **\$7,507.50** in attorneys' fees and **\$1,255.62** in costs for the firm Wilner Hartley & Metcalf, P.A., and **\$1,975.00** in attorneys' fees and **\$91.62** in costs for Ms. Erin A. Juzapavicus. Respondent has indicated that she will not object to the amended amount requested. In compliance with General Order #9, petitioners state that they have not incurred any expenses. The court finds the amount requested by petitioners to be reasonable.

The clerk shall enter judgment for **\$10,829.74** and shall direct that the award be in the form of a check made jointly payable to:

- a. Petitioners and Wilner Hartley & Metcalf, P.A. in the amount of **\$8,763.12**; and
- b. Petitioners and Erin A. Juzapavicus in the amount of **\$2,066.62**.

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.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: April 28, 2010

/s/ Laura D. Millman  
Laura D. Millman  
Special Master

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<sup>2</sup> 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.