

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 05-1010V

Filed: February 1, 2008

Not to be published.<sup>1</sup>

ROBERT BUTLER,

Petitioner,

v.

Vaccine Act Attorney's Fees

SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Respondent.

### DECISION (ATTORNEYS' FEES)

On January 25, 2008, the petitioner submitted an application seeking an award for fees and costs incurred in this case filed under the National Vaccine Injury Compensation Program. The motion seeks a total of \$ 14,846,67. On January 31, 2008, counsel for respondent telephonically indicated to my staff that counsel has no objection to such an award of fees and costs.

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award of fees and costs is appropriate. Further, the proposed amount seem reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

- A lump sum of \$ **13,715.90**, in the form of a check payable jointly to petitioner and petitioner's counsel, **Thomas P. Gallagher**, on account of services performed by counsel's law firm and costs expended by that firm; and
- a lump sum of \$ **1,130.97**, in the form of a check payable to petitioner, on account costs incurred reasonably by petitioner.

In the absence of a timely-filed motion for review of this Decision (see Appendix B, Rules

---

<sup>1</sup>This document will not be sent to electronic publishers as a formally "published" opinion. However, because this document contains a reasoned explanation for my action in this case, I intend to post this document on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Therefore, 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, this entire document will be available to the public. *Id.* See also 42 U.S.C. § 300aa-12(d)(4)(B).

of the United States Court of Federal Claims), the clerk shall enter judgment in accordance herewith.

---

George L. Hastings, Jr.  
Special Master