

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 05-597V

Filed: December 11, 2008

NOT TO BE PUBLISHED

LEE DIAMOND *
and CHANEY DIAMOND *
as legal representatives of *
JACKSON DIAMOND, a minor *

Petitioners, *

Attorney's Fees and Costs, appropriate
hourly rate for Chicago counsel.

v. *

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

Respondent. *

DECISION¹

Petitioners filed a Motion for Attorney's Fees and Costs on October 16, 2008. After attempting to informally resolve the issues, a status conference was held in the above-captioned matter on December 10, 2008. Following the discussion of the outstanding issues, primarily the appropriate hourly rate for petitioners' Chicago based counsel, the parties contacted the undersigned's office to state that the parties informally resolved the matter. The parties requested the court enter a decision awarding \$44,055.00 in attorney's fees, \$9,571.05 in attorney's costs and \$1,153.45 in petitioners' costs (specifically to reimburse for petitioners' medical record expenses and mileage expenses) for a total amount of \$54,779.50 in attorney's fees and costs. It is noted that the parties agreed that petitioners' counsel, Sherry Drew, should be compensated at a rate of \$275 per hour.

¹The 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, 116 Stat. 2899, 2913 (Dec. 17, 2002). 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 decision will be available to the public. Id.

After considering the request, the court finds that an award in the amount of **\$ 54,779.50** in attorney's fees and costs to be reasonable. The court thanks the parties for their cooperative efforts in resolving this matter.

Accordingly, pursuant to Vaccine Rule 13, petitioner is hereby awarded a **total of \$54,779.50 in attorney's fees and costs**. The judgment shall reflect an award of \$1,153.45 for petitioners' costs in a check made payable to petitioners; an award of \$44,055.00 for petitioners' counsel's fees in a check made payable jointly to petitioners and their counsel; and an award of \$9,571.05 for petitioners' counsel's cost in a check made payable jointly to petitioners and their counsel. The Clerk is directed to enter judgment according to this decision.²

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master

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.