

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-316V

Filed: September 5, 2012

_____ LISA BURRELL-SMITH,)	
)	NOT TO BE PUBLISHED
Petitioner,)	
)	
v.)	Stipulation; attorneys' fees and
)	costs; personal litigation costs;
SECRETARY OF)	award in the amount to which
HEALTH AND HUMAN SERVICES,)	respondent does not object
)	
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.

DECISION ON FEES AND COSTS¹

LORD, Special Master.

On September 4, 2012, the parties in the above-captioned case filed a Stipulation of Fact 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 \$27,869.65 in attorneys' fees and costs.² In accordance with General Order #9, Petitioner's counsel represents that Petitioner incurred \$400.00 in personal litigation costs. Respondent does not object to this 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 \$27,869.65 in attorneys' fees and costs and \$400.00 in Petitioner's out-of-

¹ In accordance with Vaccine Rule 18(b), petitioner has 14 days to file a proper motion seeking redaction of medical or other information that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Redactions ordered by the special master, if any, will appear in the document as posted on the United States Court of Federal Claims' website.

² In the Stipulation of Fact, Petitioner represented "that the requested award of attorneys' fees and costs includes final attorneys' fees and costs for petitioner's former counsel of the firm, Maglio, Christopher & Toale, and that petitioner is responsible for making the appropriate distribution to petitioner's former counsel" from the awarded amount. Stipulation of Fact Concerning Attorneys' Fees and Costs at 1, Sept. 4, 2012, ECF No. 27.

pocket expenses to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Stipulation of Fact.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$28,269.65** in attorneys' fees and costs and out-of-pocket litigation costs. The judgment shall reflect that Petitioner is awarded fees and costs as follows:

(1) A lump sum of \$27,869.65 in the form of a check payable jointly to Petitioner and Petitioner's counsel, Elizabeth M. Muldowney, Rawls, McNelis & Mitchell, P.C., for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e); and

(2) A lump sum of \$400.00 in the form of a check payable to Petitioner only for personal litigation costs.

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.³

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
Special Master

³ 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.