

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 08-863V

Filed: April 25, 2011

NOT TO BE PUBLISHED

\*\*\*\*\*

KAYLEA E. SMITH, a minor, by her parents and \*  
natural guardians, MARK SMITH and \*  
JAQUELINE SMITH, \*

Petitioners, \*

v. \*

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

Respondent. \*

\*\*\*\*\*

Attorneys' Fees and Costs

### DECISION<sup>1</sup>

**GOLKIEWICZ, Special Master.**

The parties filed a Joint Stipulation of Facts Concerning Attorneys' Fees and Costs (Stipulation) on April 22, 2011. The parties' Stipulation indicated petitioners submitted a draft Application for Attorney's Fees and Costs (Draft Application) to respondent on or about April 13, 2011. The parties' Stipulation further indicated respondent's counsel had reviewed petitioners' Draft Application and had certain objections to petitioners' request for fees and costs. Petitioners' counsel agreed to amend his request to a total of **\$7,851.13** in attorneys' fees

---

<sup>1</sup>Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims' 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)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, the undersigned agrees that the identified material fits within the requirements of that provision, such material will be deleted from public access.

and costs. Respondent's counsel indicated he does not oppose petitioners' amended request for attorneys' fees and other litigation costs.

After reviewing the request, the court awards **\$7,851.13** in attorneys' fees and other litigation costs which shall be made payable jointly to petitioners and petitioners' counsel, Mark L. Krueger. The court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/Gary J. Golkiewicz  
Gary J. Golkiewicz  
Special Master

---

<sup>2</sup>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.