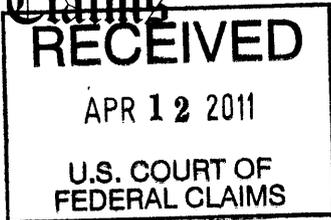


In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 06-785V
Filed: April 12, 2011



DONALD R. PATTERSON,
Petitioner,
v.
SECRETARY OF
HEALTH AND HUMAN SERVICES,
Respondent.

NOT TO BE PUBLISHED

Final Attorneys' Fees and Costs;
Attorneys' Fees Amount to which
Respondent does not object.

William Dufour de Golian, Johnson & Ward, Atlanta, GA, for Petitioner;
Traci R. Patton, United States Dep't of Justice, Washington, D.C., for Respondent.

DECISION

LORD, Special Master.

Petitioner in the above-captioned case filed a "claim for attorney's fees and costs" (the "Application") on August 30, 2010. Respondent filed a response to Petitioner's Application stating that Respondent would not object to an award of attorneys' fees in the amount of \$95,000.00. In addition, Respondent stated that she would not object to Petitioner's request for attorneys' costs in the amount of \$3,714.38, nor does Respondent object to the \$900.00 in costs for the services of Petitioner's economist, Dr. William Rushing. Respondent did, however, object to the amount in costs requested for Petitioner's expert, Dr. George Cibik. Thus, the amount requested by Petitioner for Dr. Cibik's fees remained in dispute.

On April 11, 2011, the parties contacted the court to state that Respondent would not object to an amount of \$40,000.00 in costs for the services of Petitioner's expert, Dr. George Cibik. Thus, Respondent has no objection to Petitioner's Application as stated above.

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 requested amount of \$95,000.00 in

1 As provided by Vaccine Rule 18(b), each party has 14 days within which to request the redaction "of any information furnished by that party (1) that is trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Rules of the United States Court of Federal Claims (RCFC), Appendix B, Vaccine Rule 18(b). In the absence of a timely objection, the entire document will be made publicly available.

attorneys' fee and \$44,614.38 in costs for a total of \$139,614.38 to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the amount to which Respondent does not object.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$139,614.38** in attorneys' fees and costs. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

in a check made payable jointly to Petitioner and Petitioner's counsel, William Dufour de Golian, of Johnson & Ward, in the amount of \$139,614.38, and

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.²

IT IS SO ORDERED.



Dee Lord
Special Master

² 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.