

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-313 V

Filed: May 3, 2011

Not for Publication

JAMES SPURGETIS, Guardian ad litem *
for JACOB HOLLIS COTTIER, a minor *

Petitioner, *

Attorneys' Fees and Costs

v. *

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

Respondent. *

Douglas L. Burdette, Seattle, WA, for petitioner.

Alexis B. Babcock, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On May 2, 2011, petitioner submitted his application for attorneys' fees and costs, requesting \$27,100.50 in fees and \$13,026.40 in costs. That same day, petitioner and respondent negotiated a sum of attorneys' fees and costs acceptable to both parties. Respondent will not object to \$23,100.50 in fees, and \$11,826.40 in costs. The undersigned finds these amounts to be reasonable.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to delete such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

In accordance with General Order #9, petitioner indicated that he incurred no costs to pursue his petition.

I award **\$34,926.90**, representing \$23,100.50 in fees and \$11,826.40 in costs. The award shall be in the form of one check, made payable jointly to petitioner and petitioner's attorney Douglas L. Burdette.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

Dated: May 3, 2011

s/ Laura D. Millman
Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.