

OFFICE OF SPECIAL MASTERS

No. 02-192V

Filed: July 31, 2006

For Publication

LINDA STOTT,

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Petitioner,

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Attorneys' Fees and Costs;

v.

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MMR; Alopecia (Hair Loss);

*

Dr. Mark Geier as Consultant

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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*

*

Respondent.

*

Clifford J. Shoemaker, Vienna, VA, for petitioner.

Julia W. McInerney, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

I. PROCEDURAL HISTORY

On March 13, 2002, Ms. Linda Stott ("petitioner") filed a petition for compensation on her own behalf under the National Childhood Vaccine Injury Act of 1986. *See* Petition, filed March 13, 2002. Ms. Stott alleged that she suffered alopecia areata (hair loss) due to a Measles, Mumps, and Rubella ("MMR") booster vaccination, administered on March 23, 1999. *See*

¹ The Court encourages the parties to review Vaccine Rule 18, which affords each party 14 days to object to disclosure of (1) trade secrets or commercial or financial information that is privileged or confidential, or (2) medical information that would constitute "a clearly unwarranted invasion of privacy."

Petitioner's Affidavit at 3. An evidentiary hearing scheduled for September 15, 2005 was cancelled when the parties informed the undersigned that they had reached a tentative settlement agreement. The undersigned then issued a 15-week stipulation order on September 7, 2005, signaling that the case had entered the damages phase. On January 4, 2006, the parties filed a stipulation in which respondent agreed to pay petitioner \$100,000.00 as compensation for damages available under 42 U.S.C. § 300aa-15(a). *See* Stipulation at 2. The undersigned issued a damages decision on January 11, 2006, awarding petitioner damages pursuant to the parties' stipulation, and judgment was entered by the clerk of the court on February 2, 2006.

On March 6, 2006, petitioner filed an Application for Attorneys' Fees & Costs ("P. App.") requesting \$27,124.13 for attorneys' fees and costs, and \$244.62 in personal costs. Respondent filed a Response to Petitioner's Application for Fees and Costs ("R. Resp.") on April 19, 2006. In the response, respondent objected to petitioner's use of the *Laffey* matrix to calculate the attorneys' hourly rates, as well as the number of hours claimed and the requested rates and time expended for the services of Dr. Mark Geier, who was employed by petitioner as a litigation consultant. *See* R. Resp. On April 26, 2006, the undersigned ordered petitioner to file a response to respondent's filing in opposition to petitioner's fee application. Petitioner filed a Reply to Respondent's Response to Petitioner's Application for Fees & Costs ("P. Reply to R. Resp.") on May 11, 2006. On May 12, 2006, the undersigned instructed respondent to file a response to petitioner's reply. Subsequently, in an order dated May 31, 2006, the undersigned suspended the deadline for respondent's filing, in light of the parties having informed the court that they would be participating in mediation to settle the dispute over the attorneys' hourly rates.

On June 8, 2006, petitioner filed an Amended Application for Attorneys' Fees and Costs ("P. Amend. App."), in light of the parties' having reached an hourly rate agreement. Petitioner now requests a total of \$19,067.72² in attorneys' fees and costs, and personal costs.

Respondent filed Respondent's Sur-Response to Petitioner's Application for Attorneys' Fees & Costs ("R. Sur-Resp.") on June 26, 2006, explaining that the parties had not been able to resolve the remaining issues in petitioner's original application for fees and costs.

II. DISCUSSION

A. *Hourly Rates*

Petitioner requests the following hourly rates:

ATTORNEYS

Clifford Shoemaker

2003-2004	\$250.00/hour ³
2005	\$275.00/hour
2006	\$300.00/hour

Renee J. Gentry

2004	\$175.00/hour
2005	\$185.00/hour
2006	\$200.00/hour

Sabrina S. Knickelbein

² The undersigned notes that counsel erroneously billed \$275.00/hour for work performed on November 22, 2004. *See* P. Amend. App. at 1. As indicated in the fee invoice, Mr. Shoemaker charged a rate of \$250.00/hour from 2003-2004. *Id.* The undersigned's law clerk has confirmed that this figure was a clerical error and petitioner's fee award has been adjusted accordingly.

³ *Id.*

2004 \$155.00/hour

LEGAL ASSISTANTS

2003-2004 \$55.00/hour

Respondent does not object to these hourly rates. *See* R. Sur-Resp. at 1. The undersigned finds the hourly rates requested by petitioner to be reasonable.

B. *Hours Expended*

Petitioner's Position

Petitioner requests a total of 63.05 hours. *See* P. Amend. App. at 7. Specifically, petitioner requests 26.15, 25.5 and 8.8 attorney hours for the work performed by Clifford Shoemaker, Renee Gentry and Sabrina Knickelbein, respectively. *Id.* Additionally, petitioner requests a total of 2.6 hours for the combined work of legal assistants Gretchen A. Shoemaker, Kristina Price, and Robin C. Buther. *Id.*

In support of this request, petitioner filed an invoice from the Shoemaker & Associates law firm which includes descriptions of the various "[p]rofessional [s]ervices" performed. P. Amend. App. at 1.

In the reply to respondent's response to petitioner's application, petitioner argues that respondent does not offer any specific objections to the hours requested. *See* P. Reply to R. Resp. at 6. Petitioner also argues that the hours billed by the three attorneys in this case are "low" given that the hours were billed for a case that lasted approximately three years. P. Reply

to R. Resp. at 7. Additionally, counsel asserts that no hours were billed in 2002 because “counsel changed his time-keeping system and unfortunately certain hours were lost”. *Id.* With regard to the paralegal billing entries, petitioner argues that the descriptions are “fairly extensive” and that the firm uses identical billing entries to describe this work because it “is the procedure for the office and the actions are the same”. *Id.*

Respondent's Position

Respondent argues that petitioner seeks an “excessive” and therefore unreasonable amount of attorney time. R. Resp. at 8. Specifically, respondent argues that petitioner's billing entries for Mr. Clifford Shoemaker are “too vague to permit reasonable review or compensation.” *Id.* Respondent further states that Mr. Shoemaker claims 5.4 hours for “blanket” review of pleadings, 2.3 hours for “communications” with members of his firm, and an approximate total of 2.8 hours for “reviewing” electronic notification of case activity. *Id.*

Additionally, respondent argues that Ms. Knickelbein's billing entries are unspecific and do not provide clarification for the legal work performed. *See* R. Resp. at 8-9. Specifically, respondent contends that billing entries such as 2.1 hours for the purpose of reviewing, filing, and preparing a status report “do little to clarify the legal work performed” since “review of a file is implicit in any billing entry.” R. Resp. at 8-9.

Finally, respondent objects to the hours billed by the legal assistants, stating that the billing entries are identical, and therefore do not provide help in determining whether the work performed is reasonable. *See* R. Resp. at 9.

Respondent does not object to the hours billed by Ms. Renee Gentry, including the 6.5 hours expended in preparing a response to respondent's filing in opposition to petitioner's application for attorneys' fees and costs. *See* R. Sur-Resp. at 1 n.1.

Applicable Case Law

In making an assessment of the number of hours reasonably expended in a case, courts must exclude “hours that are excessive, redundant, or otherwise unnecessary, just as a lawyer in private practice ethically is obligated to exclude such hours from his fee submission.” *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983). A special master is not required to base his or her decision on a line-by-line analysis of the fee application. *See Wasson v. Secretary of HHS*, 24 Cl.Ct. 482, 484 (1991), *aff'd*, 998 F.2d 131 (Fed.Cir.1993). Further, a special master may rely on his or her experience with the Vaccine Act and its attorneys when determining the reasonable number of hours expended. *Id.* at 486.

Analysis of Hours Expended

Clifford Shoemaker

In reviewing the petition, the undersigned finds respondent's objections to the hours billed by Mr. Clifford Shoemaker to have merit. Mr. Shoemaker claims an excessive amount of time for tasks documented in the fee petition.

For example, petitioner claims that Mr. Shoemaker's review of a December 22, 2004 order issued by Special Master Hastings in this case took 0.20 hours or 12 minutes. *See* P. Amend. App. at 2. This amount of time does not appear reasonable given Mr. Shoemaker's level

of experience, and the fact that the Special Master's order was four lines in length, containing only a short summary of the status conference held on December 20, 2004, instructions for respondent's counsel to file an expert report by February 25, 2005, and the date for the next status conference. *See* Special Master's Order, filed December 22, 2004.

Similarly, petitioner claims that Mr. Shoemaker took 0.50 hours (30 minutes) to review the one-line reassignment order issued by Chief Special Master Golkiewicz on April 14, 2005. *See* P. Amend. App. at 2. For "reviewing" the reassignment order, counsel expects to be paid \$137.50, an amount that is clearly unreasonable in light of the task completed. Amend. App. at 2. Petitioner's claim is especially troubling given the fact that petitioner also submits that Mr. Shoemaker's review of a one-line scheduling order issued by the undersigned on June 29, 2005, took a mere 0.10 hours (6 minutes), in comparison. *Id.*

There are many other such entries in Mr. Shoemaker's billing statement. *See* P. Amend. App. at 1-4. In petitioner's reply to respondent's response, counsel does not explain these billing entries and instead argues that respondent's objection is too general to "substantiate a charge of excessive, redundant or otherwise unnecessary." P. Reply to R. Resp. at 7.

The undersigned hereby reduces the claimed hours for the January 10, 2005 billing entry from 0.20 hours to 0.10 hours (6 minutes). Additionally, the undersigned reduces the following requested hours to 0.05 hours (3 minutes) each:

DATE	HOURLY RATE
5/01/2005	\$275.00
6/30/2005	\$275.00
2/08/2006	\$300.00
3/23/2006	\$300.00
5/13/2006	\$300.00
6/02/2006	\$300.00

Hours Awarded: 0.30

Fees Awarded: $(0.05 \text{ hours} \times \$275.00/\text{hour} \times 2) +$
 $(0.05 \text{ hours} \times \$300.00/\text{hour} \times 4)$
 $= \$87.50$

Renee Gentry

With regard to the hours expended by Ms. Renee Gentry, petitioner requests a total of 25.5 hours (1 hour at \$175.00/hour, 14.5 hours at \$185.00/hour and 10.00 hours at \$200.00/hour). *See* P. Amend. App. at 7. Respondent's counsel does not object to these hours, and the undersigned finds the hours to be reasonable.

Sabrina S. Knickelbein

In reviewing the hours requested for work conducted by Ms. Sabrina S. Knickelbein, the undersigned notes that Ms. Knickelbein has three billing entries where the description of work done is limited to reviewing the file and preparing a status report. *See* P. Amend. App. at 6-7. A closer look indicates that, in most instances, Ms. Knickelbein spent 0.40 hours (24 minutes) at a

time reviewing the case file and preparing status reports. *Id.* While the undersigned recognizes respondent's concerns regarding the fact that Ms. Knickelbein does not specifically describe the work that she has done in these particular invoice entries, it is still reasonable for even an experienced attorney to spend 24 minutes reviewing a case file and preparing a status report. Therefore, the undersigned will not reduce the total number of hours requested for Ms. Knickelbein.

Legal Assistants

The undersigned finds respondent's argument with regard to the hours requested for the legal assistants to be without merit.

C. Costs

1. Petitioner's Costs

Petitioner requests a total of \$244.62 as compensation for personal costs incurred in pursuing this case. *See* P. App. at 5. This total includes the \$150.00 filing fee paid to Shoemaker & Associates and \$94.62 paid for the purposes of requesting medical records from the Medical Records Association, Inc. *Id.* Petitioner filed photocopies of the two checks with the initial fee application. *See* P. App. at 6-7. Respondent has not raised any objection to petitioner's request for personal costs. *See generally* R. Resp. The undersigned finds petitioner's request to be reasonable.

2. Medical Consultation Fee for Mark Geier, M.D.

Petitioner's Position

Petitioner requests \$1,437.50 in compensation for fees paid to Dr. Mark R. Geier, as a “medical consultant”. *See* P. App. at 24. In support of this request, petitioner filed a one-page invoice describing the 5.75 hours of work performed by Dr. Geier at an hourly rate of \$250.00. *Id.* The description states for Dr. Geier:

“Review and summarize case. Phone consult with Sabrina Knickelbein.” *Id.*

Petitioner argues that respondent's objection to petitioner's employment of Dr. Geier constitutes an attempt at interfering with the way in which counsel chooses to practice. Petitioner also states that “[a]n attorney’s ability to consult with outside personnel is inherent in the operation of his practice,” and cites the Chief Special Master's decision in *Ray v. Secretary of HHS*, No. 04-184V, 2006 WL 1006587 (Fed.Cl.Spec.Mstr. Mar. 30, 2006) as support for this position. P. Reply to R. Resp. at 8. Additionally, petitioner argues that because Dr. Geier was not hired as a medical expert in this case, the positions held by both the undersigned and respondent's counsel with regard to Dr. Geier's expertise or lack thereof as an expert witness are irrelevant in determining the reasonableness of his employment as a consultant. *See* P. Reply to R. Resp. at 8-9.⁴

In addressing the need for counsel to employ both Dr. Geier and Dr. Joseph Bellanti, petitioner points out that Dr. Geier was consulted several months prior to Dr. Bellanti's

⁴ *See* P. Reply R. Resp. at 8 where petitioner’s counsel states: “Respondent’s position on Dr. Geier as an expert is clear. The special master’s position on Dr. Geier as an expert is clear. As Dr. Geier was not offered as an expert in this case, neither of those positions is relevant to [the] issue of the reasonableness of the work performed.”

employment, and that Dr. Geier was not offered as an expert and did not provide a report. *See* P. Reply to R. Resp. at 8.

With regard to Dr. Geier's fee invoice, petitioner argues that respondent has not objected to similar invoices from Dr. Geier in the past. *See* P. Reply to R. Resp. at 9.

Respondent's Position

Respondent objects to the employment of Dr. Geier as a medical consultant, and argues that Dr. Geier's consultation was neither reasonable nor necessary. *See* R. Resp. at 9-11. Specifically, respondent argues that Dr. Geier's claimed hours are “insufficiently specific, incompletely documented and cannot be readily squared with either the chronology of this case, or with counsel's billing entries.” *Id.* at 10. Further, respondent asserts that Dr. Geier's invoice, consisting of a two-sentence description of his 5.75 claimed hours, is insufficient especially given the lack of any other supporting documentation. *See* R. Resp. at 10. Respondent also states that petitioner has not justified Dr. Geier's employment in light of his particular area of expertise (i.e., genetics), and the involvement of Dr. Joseph Bellanti. *Id.* Finally, respondent argues that Dr. Geier is unqualified as a medical consultant because of “the acknowledged concerns with Dr. Geier's qualifications and expertise to serve as an expert witness.” *See* R. Resp. at 11.

Applicable Case Law

The special masters' Guidelines provide that in applying for costs, a petitioner should explain the expenses “sufficiently to demonstrate their relationship to the prosecution of the petition.” Guidelines at 32. In considering applications for attorneys' fees and costs, 42 U.S.C. §

300aa-15(e)(1)(A) instructs special masters to award an amount that covers “(A) *reasonable* attorneys’ fees, and (B) other costs” (emphasis added). The fee applicant bears the burden of submitting evidence that is “sufficient to support the number of hours expended and the hourly rates claimed.” *Plott v. Secretary of HHS*, No. 92-633V, 1997 WL 842543, at *8 (Fed.Cl.Spec.Mstr. Apr. 23, 1997). Petitioner must therefore provide proper substantiation for all fees and costs claimed with regard to experts by painting “a clear and complete picture” that enables the court to “see and understand how and why the expert spent the claimed hours.” *Wilcox v. Secretary of HHS*, No. 90-991V, 1997 WL 101572, at *4 (Fed.Cl.Spec.Mstr. Feb. 14, 1997). In reviewing the number of hours, “[t]he question is not whether [an expert has] expended the number of hours claimed, but whether it was necessary or reasonable for him to do so.” *Wasson v. Secretary of HHS*, No. 90-208V, 1991 WL 135015, at *3 (Fed.Cl.Spec.Mstr. Jul. 5, 1991), *on remand*, No. 90-208V, 1992 WL 26662 (Fed.Cl.Spec.Mstr. Jan. 2, 1992), *aff’d*, 988 F.2d 131 (Fed.Cir. 1993).

Analysis

Dr. Geier's credentials indicate that he is unqualified to participate in petitioner's case. Dr. Geier specializes in obstetrical genetics and is board-certified in forensic medicine and medical genetics . *See Doe v. Ortho-Clinical Diagnostics, Inc.*, No. 1:03CV00669, 2006 WL 1877150, at *4 (D.N.C. 2006). Dr. Geier is not certified, however, in other areas such as epidemiology, biostatistics, or immunology. Dr. Bellanti is an immunologist.

There are multiple cases where Dr. Geier’s opinion and testimony have been given little or no weight because they exceeded the scope of his expertise. *See Doe*, 2006 WL 1877150, at *4

(court excluded Dr. Geier’s testimony partially because he “was not specifically qualified to perform a differential diagnosis of a pediatric neurological disorder”); *Weiss v. Secretary of HHS*, No. 03-190V, 2003 WL 22853059, at *2 n.1 (Fed.Cl.Spec.Mstr. Oct. 9, 2003) (order in which the undersigned found that Dr. Geier is “a professional witness in areas for which he has no training, expertise, and experience”); *Thompson v. Secretary of HHS*, No. 99-0436, 2003 WL 21439672, at *20 (Fed.Cl.Spec.Mstr. May 23, 2003) (where the undersigned found Dr. Geier to be “unqualified”, and observed that his testimony was “filled with speculation [that was] directly contrary to the conclusions reached in well-respected and numerous epidemiologic and medical studies ranging over two decades”); *Raj v. Secretary of HHS*, No. 96-294V, 2001 WL 963984 (Fed.Cl.Spec.Mstr. July 31, 2001 (chief special master Gary Golkiewicz finding that Dr. Geier is “wholly unqualified to testify concerning the two major issues in [the] case” due to his lack of board certification and formal training in pediatrics and pediatric neurology); *Marascalco v. Secretary of HHS*, No. 90-1571V, 1993 WL 277095, at *5 (Fed.Cl.Spec.Mstr. July 9, 1993) (special master John Edwards rejected Dr. Geier’s testimony and found an affidavit filed by the doctor to be “seriously intellectually dishonest”, noting that Dr. Geier had “quoted selectively” from the medical records).

Petitioner would have the court believe that Dr. Geier’s unsuitability as a medical expert is of no consequence in this case because he was not offered as a medical expert but as a consultant. *See* P. Reply to R. Resp. at 8-9. To support this proposition, petitioner cites *Ray* where the chief special master found petitioners’ use of Dr. Geier as a medical consultant to be reasonable. *See Ray*, 2006 WL 1006587, at *11. In *Ray*, the petitioners alleged that their

daughter sustained an injury of idiopathic thrombocytopenia (“ITP”) following her MMR vaccination. *See Ray*, 2006 WL 1006587, at *1. In explaining Dr. Geier’s employment, the petitioners in *Ray* argued that the medical literature associated with the alleged injury in the case necessitated counsel’s consulting with Dr. Geier for the purpose of research and review. *See Ray*, 2006 WL 1006587, at *11-12. Therefore, the chief special master’s decision was, in part, based on his understanding that Dr. Geier enabled counsel to evaluate the case by conducting a literature search for counsel.

Unlike the petitioners in *Ray*, Ms. Stott alleges hair loss following her MMR vaccination. The undersigned has overseen many alopecia cases during her tenure in the Vaccine Program, and has never seen a petitioner consult with a geneticist/obstetrician on this issue. Further, petitioner’s counsel does not explain the work conducted by Dr. Geier in order to provide a link between Dr. Geier’s expertise and Ms. Stott’s alleged injury, as the petitioners in *Ray* do. In fact, there are no records in this case which indicate that Dr. Geier provided petitioner with a report of medical literature or a summary of his findings, thereby making it even more difficult to make sense of Dr. Geier’s employment in this case.

Here, Ms. Stott’s petition is based on the argument that her MMR vaccination caused an immune response, and Dr. Joseph Bellanti is well-known to petitioner’s counsel.⁵ The only

⁵ Dr. Bellanti testified in the following cases where Mr. Shoemaker was petitioner’s counsel: *Schrump v. Secretary of HHS*, No. 04-210, 2006 WL 1073012 (Fed.Cl.Spec.Mstr. Mar. 31, 2006); *Casey v. Secretary of HHS*, No. 97-612, 2005 WL 3597263 (Fed.Cl.Spec.Mstr. Dec. 12, 2005); *Rezzonico v. Secretary of HHS*, No. 99-498, 2004 WL 3049765 (Fed.Cl.Spec.Mstr. Dec. 17, 2004); *Larive v. Secretary of HHS*, No. 99-429, 2004 WL 1212142 (Fed.Cl.Spec.Mstr. May 12, 2004); *Platt v. Secretary of HHS*, No. 93-264, 2000 WL 1862640 (Fed.Cl.Spec.Mstr.

medical article that petitioner filed herein is a well-known article written by Dr. Robert P. Wise and others⁶, which was included with Dr. Bellanti's expert report. *See* Petitioner's Exhibits 8 and 9, filed on December 3, 2004. There is nothing to indicate that Dr. Geier assisted in researching or finding this article. Further, Dr. Bellanti's expert report does not reference Dr. Geier or his research. *See generally* Petitioner's Exhibit 8.

A review of other cases brought by petitioner's counsel during the time period before he consulted with Dr. Geier in this case⁷ indicates that Mr. Shoemaker filed this same article, on February 8, 2002 (approximately one month prior to filing Ms. Stott's petition in this case), which relates hair loss to vaccinations and discusses the underlying immunological mechanism (i.e. positive rechallenge), in at least one other case (a case dealing with kidney disease).⁸ Therefore, it is reasonable to assume that petitioner's counsel was aware from the outset of the instant action that a proper review of Ms. Stott's case would require the expertise of an

Dec. 1, 2000).

⁶ *See generally* Wise, *et al.*, "Hair Loss After Routine Immunizations," 278 *JAMA* 1176-78 (1997) (discussing possible association between vaccinations and alopecia).

⁷ Dr. Geier's fee invoice is dated March 24, 2004. *See* P. App. at 24.

⁸ *See Larive*, 2004 WL 1212142, at *4 ("[p]etitioner's fourth exhibit is a brief report, 'Hair Loss After Routine Immunizations,' by R.P. Wise, et al., 278 *JAMA* 1176-78 (1997). Out of 60 cases examined since 1984, there were 16 cases of alopecia with positive rechallenge ...")

immunologist and *not* Dr. Geier, a geneticist/obstetrician, and would necessitate filing the Wise article.

Petitioner's counsel argues that respondent has not required detailed affidavits regarding the work conducted by experts and consultants in the past. *See* P. Reply to R. Resp. at 8-9. The undersigned finds petitioner's argument to be without merit. Petitioner's counsel has not provided proper substantiation for the fee claimed for Dr. Geier's employment as a consultant, and has not provided the proof that it was necessary that he consult Dr. Geier, given the specific issues and facts of this case. Therefore, petitioner has not met her burden of showing that the cost incurred in retaining Dr. Geier was reasonable.

The undersigned therefore finds the requested \$1,437.50 for Dr. Geier to be unreasonable, and petitioner will not be compensated for it.

3. *Medical Expert: Joseph A. Bellanti, M.D.*

Petitioner requests \$3,750.00 in compensation for fees paid to her medical expert, Dr. Joseph A. Bellanti. *See* P. App. at 23. Dr. Bellanti's fee invoice is included in petitioner's initial application. *Id.* Respondent does not object to the amount requested for Dr. Bellanti. The undersigned finds the amount requested for compensation of payment to Dr. Bellanti to be reasonable.

4. *Other Litigation Costs*

Finally, petitioner requests \$241.10 in other litigation costs. *See* P. Amend. Pet. at 7. These costs include photocopying, postage, printing costs, and the cost of preparing CD-Roms,

labels, and cases for electronic filing. *Id.* Respondent does not object to any of these costs, and the undersigned finds the amount requested to be reasonable.

III. CONCLUSION

The undersigned awards petitioner \$13,169.50 in fees and \$3,991.10 in attorney's costs. Additionally petitioner is awarded \$244.62 as compensation for her personal costs. The award can be summarized as follows:

<u>FEES:</u>	
<u>Clifford Shoemaker</u>	
2003-2004	8.0 hours x \$250.00/hour = \$2,000.00
2005	16.0 hours x \$275.00/hour = \$4,400.00
2006	1.35 hours x \$300.00/hour = \$405.00
<u>Renee Gentry</u>	
2004	1.0 hour x \$175.00/hour = \$175.00
2005	14.5 hours x \$185.00/hour = \$2,682.50
2006	10.0 hours x \$200.00/hour = \$2,000.00
<u>Sabrina Knickelbein</u>	
2004	8.8 hours x \$155.00/hour = \$1,364.00
<u>Legal Assistants</u>	
2003-2004	2.6 hours x \$55.00/hour = \$143.00
<u>COSTS:</u>	
Petitioner's Costs	\$244.62
Dr. Joseph Bellanti	12.5 hours x \$300.00/hour = \$3,750.00
Other Litigation Costs	\$241.10

The clerk shall enter judgment for \$17,405.22. The award shall be made in the form of two checks. The first check shall be made jointly payable to petitioner and Mr. Clifford Shoemaker in the amount of \$17,160.60. The second check shall be made payable to petitioner in the amount of \$244.62. 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.⁹

IT IS SO ORDERED.

Dated: _____

Laura D. Millman
Special Master

⁹ 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.