IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

TIFFANY DROST,	*	
	*	No. 01-502V
Petitioner,	*	Special Master Christian J. Moran
	*	
v.	*	Filed: July 30, 2010
	*	
SECRETARY OF HEALTH	*	attorneys' fees, reasonable number
AND HUMAN SERVICES,	*	of hours, attorney working as
	*	paralegal, errors in attorneys' fees
Respondent.	*	request
	*	

Clifford A. Shoemaker, Shoemaker & Associates, Vienna, VA, for petitioner;
Heather Pearlman, United States Dep't of Justice, Washington, DC, for respondent.

PUBLISHED DECISION ON ATTORNEYS' FEES AND COSTS[*]

Ms. Drost alleged that the hepatitis B vaccine caused her to develop chronic fatigue syndrome and juvenile arthritis. Pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa–10 et seq., she sought compensation for her injuries. The parties resolved this claim without the need for a hearing, and Ms. Drost was awarded compensation.

Ms. Drost now seeks an award for her attorneys' fees, her attorneys' costs, and her own costs. Ms. Drost is awarded $26,066.69 in attorneys' fees, $10,441.88 in attorneys' costs, and $500.48 in costs for herself.

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[*] Because this published decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it 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).

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 clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to delete such information before 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. 42 U.S.C. § 300aa–12(d)(4); Vaccine Rule 18(b).

I. Procedural History

Ms. Drost filed a petition in August 2001. No medical records were filed with the petition. Ms. Drost filed her first collection of medical records in February 2002, and filed additional medical records throughout 2002. In November 2002, respondent filed a report pursuant to Vaccine Rule 4. Respondent denied that Ms. Drost was entitled to compensation.

In February 2003, this case was stayed while attorneys who represented petitioners claiming that the hepatitis B vaccine injured them, attorneys for the respondent, and the Office of Special Masters attempted to establish a method for resolving the numerous cases involving the hepatitis B vaccine. While Ms. Drost's case was stayed, she filed more medical records in 2004 and 2005.

In 2006, after efforts to resolve the hepatitis B cases were not successful, the stay was lifted. Later in 2006, Ms. Drost asked for another stay to allow other cases to proceed as lead cases to determine whether the hepatitis B vaccine can cause chronic fatigue syndrome. Pet'r Mot., filed July 5, 2006. Ms. Drost's case resumed again in early 2007 and continued, more or less, until completion.

Given the lapse of time from when Ms. Drost last filed medical records, Ms. Drost was ordered to file updated information about her medical condition in 2007. Ms. Drost did. She was also ordered to file an expert report. Ms. Drost did on September 17, 2007. Exhibit 38 (report of Dr. Joseph Bellanti).

Respondent addressed the recently filed information and Dr. Bellanti's report. See Resp't Rep't, filed Dec. 20, 2007, and exhibit A (report of Dr. Alan Brenner), filed on Feb. 11, 2008. In March 2008, Ms. Drost obtained a supplemental report from Dr. Bellanti. Exhibit 51.

In a status conference held on April 1, 2008, the parties discussed the possibility of resolving Ms. Drost's case based upon the costs and risks of continued litigation. These discussions culminated in an agreement to resolve the case. A decision adopting the parties' stipulation and awarding Ms. Drost compensation was filed in March 2009.

In October 2009, Ms. Drost filed the pending motion for attorneys' fees and costs. Respondent filed a response. Ms. Drost filed a reply. Ms. Drost's motion for attorneys' fees and costs is ready for adjudication.

II. Attorneys' Fees

A. Standards for Adjudication

Petitioners in the Vaccine Program who receive compensation are entitled to an award for their attorneys' fees and costs. Like other litigation allowing a shift in attorneys' fees and costs,

awards for attorneys' fees and costs in the Vaccine Program must be "reasonable." 42 U.S.C. § 300aa–15(e)(1) (2006).

Reasonable attorneys' fees are determined using the lodestar method – "'multiplying the number of hours reasonably expended on the litigation times a reasonable hourly rate.'" Avera v. Sec'y of Health & Human Servs., 515 F.3d 1343, 1347-48 (Fed. Cir. 2008) (quoting Blum v. Stenson, 465 U.S. 886, 888 (1984)). For the reasonable hourly rate, the parties have generally agreed. The one point of dispute is the appropriate rate for an attorney, Ms. Knickelbein, who performed the duties of a paralegal. This specific question is resolved in section II.B.3.

The predominant dispute between the parties is the reasonable number of hours. Guidance on how to determine the reasonable number of hours has been provided by the United States Supreme Court and the United States Court of Appeals for the Federal Circuit. Quoting a decision by the United States Supreme Court, the Federal Circuit has explained some of the limits on the number of hours for which compensation may be sought.

> The [trial forum] also should exclude from this initial fee calculation hours that were not "reasonably expended.". . . . Counsel for the prevailing party should make a good-faith effort to exclude from a fee request 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. "In the private sector, 'billing judgment' is an important component in fee setting. It is no less important here. Hours that are not properly billed to one's **client** also are not properly billed to one's **adversary** pursuant to statutory authority."

Saxton v. Sec'y of Health & Human Servs., 3 F.3d 1517, 1521 (Fed. Cir. 1993) (emphasis in original) (quoting Hensley v. Eckerhart, 461 U.S. 424, 433-34 (1983)). A trial court "is somewhat of an expert in the time that is required to conduct litigation." Case v. Unified School Dist. No. 233, Johnson County, Kansas, 157 F.3d 1243, 1256 (10th Cir. 1998).

B. Determinations

Ms. Drost originally sought $34,417.03 in attorneys' fees for work performed by various attorneys. Pet'r Mot. at 1. Ms. Drost also sought compensation for the time her attorneys spent in preparing the reply brief in support of her application for attorneys' fees.

Respondent objected to work performed by four people whom Ms. Drost claimed as attorneys. First, respondent objected to some time claimed by Mr. Shoemaker. Second, respondent objected to work listed by Mark Greenspan, who is both an attorney and a doctor. For reasons explained below, the charge for Mr. Greenspan is better treated as a "cost" rather than the work by an attorney. Third, respondent objected to a relatively small amount of time

claimed by Renee Gentry. Fourth, respondent objected to work performed by Sabrina Knickelbein. These objections are discussed below.

1. Tasks Done by Mr. Shoemaker

Mr. Shoemaker acted as counsel of record for Ms. Drost throughout this case. His work constitutes the bulk of the amount claimed as attorneys' fees. For Mr. Shoemaker's time, respondent's objections fall into three categories (a) billing that is not supported by the record, (b) billing that is duplicative or not adequately explained, and (c) billing for work with Dr. Shoenfeld. Resp't Resp. at 5-8.

a. Unsupported Entries

Respondent identified two entries that the record did not support. First, Mr. Shoemaker sought compensation on August 18, 2003, for spending 0.5 hours on amending the case caption. This entry was mistaken because Ms. Drost has been the petitioner throughout the litigation. Resp't Resp. at 8. In reply, Ms. Drost agreed that this entry "was an error" and withdrew the request for this compensation. Pet'r Reply at 6. Thus, the fee application will be reduced by $125.00.

Second, respondent also noted that on April 4, 2006, Mr. Shoemaker sought compensation for three hours of organizing records, assembling packages for experts, and preparing for hearings. Pet'r Appl'n at pdf 37. Respondent argued that this entry lumps together several discrete tasks and noted that no hearing was ever scheduled. In reply, Ms. Drost did not address this objection. It is far from clear that Mr. Shoemaker's work on April 4, 2006, was for Ms. Drost's case. Therefore, Ms. Drost's fee application will be reduced by $900.00 for three hours of time.

b. Duplicative Entries

Previous cases with Mr. Shoemaker have revealed that he has requested time for performing the same activity in more than one case. See Gruber v. Sec'y of Health & Human Servs., No. 00-749V, 2009 WL 2135739, at *4-6 (Fed. Cl. Spec. Mstr. June 24, 2009), aff'd in non-relevant part, rev'd in non-relevant part, and remanded, 91 Fed. Cl. 773 (2010); Gabbard v. Sec'y of Health & Human Servs., No. 99-451V, 2009 WL 1456434, at *7 (Fed. Cl. Spec. Mstr. April 30, 2009); Lamar v. Sec'y of Health & Human Servs., No. 99-584V, 2008 WL 3845157, at *6-7 (Fed. Cl. Spec. Mstr. July 30, 2008); Turner v. Sec'y of Health & Human Servs., No. 99-544V, 2007 WL 4410030, at *12 (Fed. Cl. Spec. Mstr. Nov. 30, 2007). For example, Mr. Shoemaker requested time for reading a one-sentence notice of assignment in at least five cases. Duncan v. Sec'y of Health & Human Servs., No. 99-455V, 2008 WL 2465811, at *5 (Fed. Cl. Spec. Mstr. May 30, 2008), motion for review denied, 2008 WL 4743493 (Aug. 4, 2008).

Consistent with decisions in those cases, respondent has identified examples of entries in Ms. Drost's case that are duplicated in other cases in which Mr. Shoemaker has already been compensated. This list is presented in the following chart, in which the term "dup." indicates a duplicate entry occurred in Ms. Drost's and the other case on the same date.

	ACTIVITY IN DROST		**CASE NAMES**						
Date	Activity	**Time Claimed**	McNett	Szekeres	Sohn	DeLong	Durham	Vidaver	McAlpline
02/16/04	Conference with Sabrina about working up all the CFS cases; review this case for inclusion and work on criteria	**1**	2/17/04	2/17/04		2/18/04	2/18/04	2/18/04	2/18/04
03/26/04	Review case with Sabrina to see if it should be included in CF S grouping	**0.6**	Dup.	Dup.	Dup.	Dup.	Dup.	Dup.	
04/12/04	Meeting with Dr. Bellanti; 1/2 of travel time billed	**1.1**	4/19	4/19	4/17	4/21	4/21	4/21	
05/03/04	Discuss case in office meeting; review tests that have been done and what could still be done; discuss tests with Dr. Bellanti; email to Dr. Geier	**0.5**	Dup.	Dup.	Dup.	Dup.	Dup.	Dup.	Dup.
05/28/04	Review file with Sabrina to verify deadlines and work on what tests have and have not been done; work on chart of timing to see how long it has been since vaccinations; conference calls with experts to discuss tests that would still be helpful in this case (versus general discussions previously held with regard to all cases)	**1**	5/26	5/26	5/27	Dup.	Dup.	Dup.	5/27
06/28/04	Review status of file with Sabrina and check on due dates and upcoming status conference	**0.5**	5/26	5/26	5/27	Dup.	Dup.	Dup.	5/27

For these entries, respondent's argument is that Mr. Shoemaker has billed more than once for performing an activity for which he has previously been compensated. Resp't Resp. at 6-7. Ms. Drost's response is that Mr. Shoemaker "did the same task in all the cases . . . and spen[t] the same amount of time on each case." Pet'r Reply at 3 (emphasis in original).

The arguments, at essence, are about the accuracy of Mr. Shoemaker's representations and record-keeping. Mr. Shoemaker, for example, maintains that on March 26, 2004, he spent 4.2 hours working on seven cases to determine whether each case should be grouped as a case involving chronic fatigue syndrome. Respondent's position is that Mr. Shoemaker actually spent 0.6 hours (or 36 minutes) total for all cases accomplishing the same. Each of the competing arguments has some logic to it. It is possible that Mr. Shoemaker has double-billed. It is also possible that Mr. Shoemaker's work in Ms. Drost's case paralleled his work in the other cases identified by respondent.

Questioning the truthfulness of an attorney's representations is a matter of some sensitivity. As an officer of the court, an attorney generally is presumed to be truthful. Cf. Matter of Maddox, 35 Fed. Cl. 425, 429-30 (1996) (denying readmission to a suspended member of the bar who showed "a willingness . . . to cut less than sharp corners in representations to the court" and stating "it is essential that members of the bar be trustworthy and their statements be completely reliable."). This presumption is based on an attorney's ethical duty to act with candor toward the tribunal. See Rule 3.3 of the Virginia Rules of Professional Conduct. An attorney's presumed honesty has been recognized by the Federal Circuit in the context of discussing the affidavit of an attorney supporting the fee application of another attorney. Willis v. United States Postal Service, 245 F.3d 1333, 1341 (Fed. Cir. 2001) (stating "an attorney-affiant should be presumed to be knowledgeable and truthful unless and until he is shown to be otherwise."). An attorney's ethical duty in expressing himself (or herself) with candor extends to fee petitions. Molden v. Peake, 22 Vet. App. 177, 180 (2008) (stating "because practitioners have a duty of candor before the Court, a statement contained in [a fee] application prepared and submitted by the practitioner on a [litigant's] behalf is sufficient for the Court to proceed to evaluate the reasonableness of the fees.") (citing Rule 3.3 of the Model Rules); see also Douglas R. Richmond, For a Few Dollars More: The Perplexing Problem of Unethical Billing Practices by Lawyers, 60 S.C. L. Rev. 63, 71-81 (2008) (discussing model rules that affect a lawyer's billing arrangement with a client).

As noted above, previous cases have found that Mr. Shoemaker's fee applications contain improper double-billing. In other contexts, Mr. Shoemaker's representations of fact have also been questioned. See Masias v. Sec'y of Health & Human Servs., No. 99-697V, 2009 WL 1838979, at *24 n.15 (Fed. Cl. Spec. Mstr. June 12, 2009) (stating that Mr. Shoemaker's factual assertion "is simply wrong"), motion for review denied (Dec. 10, 2009) (unpub.), appeal docketed, No. 2010-5077 (Fed. Cir. Feb. 17, 2010); Savin v. Sec'y of Health & Human Servs., No. 99-537V, 2008 WL 20666611, at *1 (Fed. Cl. Spec. Mstr. Apr. 22, 2008) (expressing concerns about counsel's representation about "computer problems"), motion for review denied, 85 Fed. Cl. 313 (2008); Carrington v. Sec'y of Health & Human Servs., No. 99-495V, 2008 WL

2683632, at *1 (Fed. Cl. Spec. Mstr. June 18, 2008), motion for review denied, 85 Fed. Cl. 319 (2008); cf. Waller v. Sec'y of Health & Human Servs., 76 Fed. Cl. 321 (2005) (rejecting counsel's arguments that he was confused about the correct filing date).

This background information may be considered by a special master in adjudicating a fee application. Saxton, 3 F.3d at 1521. This pattern of problems with Mr. Shoemaker's fee petitions makes crediting his statements about the accuracy of his billing records difficult. Moreover, as discussed in section II.B.1.b above, some of the problems that have occurred in other cases, such as erroneous time entries, are unquestionably present in Ms. Drost's case. Collectively, the problems from past cases and the problems in this case provide a good faith basis for respondent to object to the six entries listed in the above chart.

Respondent's objection that Mr. Shoemaker has already billed and been paid for an activity in another case will be resolved by examining the particular entry in the context of Ms. Drost's case. If there is evidence that an activity advanced Ms. Drost's case specifically, then Mr. Shoemaker's charge is reasonable. Alternatively, if the activity was for several cases and Mr. Shoemaker has already received compensation, then the entry is not reasonable in Ms. Drost's case again.

Ms. Drost has established the reasonableness of Mr. Shoemaker's activities for the first three activities listed in the chart above. For February 16, 2004 (reviewing the file) and April 12, 2004 (meeting with Dr. Bellanti), Mr. Shoemaker performed an identical task on another case but on a different date. The difference in dates counters respondent's argument that Mr. Shoemaker has already been paid for the work performed on February 16, 2004, and on April 12, 2004.[1] The time that Mr. Shoemaker spent on February 16, 2004, in reviewing the file is supported by the fact that by that date, 15 exhibits had been filed. Thus, spending one hour on reviewing the file and discussing the case with a junior associate seems reasonable.

Similarly, the amount of time spent on March 26, 2004 (0.6 hours) for reviewing the case to determine whether it should be "included in CFS grouping" also was reasonable. Although Mr. Shoemaker has listed this amount of time for six other cases on the same date, the amount of time being spent collectively (4.2 hours) is not unreasonable.

For the remaining three entries, Ms. Drost has not established the reasonableness of Mr. Shoemaker's work. These entries – such as talking to Dr. Bellanti and emailing Dr. Geier – seem to be one activity that benefitted more than one case. Very little in Mr. Shoemaker's records indicates that the work being performed was for Ms. Drost's case specifically. For example,

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[1] The exactness of dates among Delong, Durham, and Vidaver may suggest that Mr. Shoemaker double-billed or triple-billed for work in those cases. If so, respondent should have presented an argument in one those cases. Even if Mr. Shoemaker were erroneously compensated in Delong or Durham or Vidaver, respondent has not argued that the error should be corrected in Ms. Drost's case.

although on June 28, 2004, Mr. Shoemaker states that he spent 30 minutes checking to see whether the deadlines were being met, the case had been stayed in February 2003. There were no deadlines in Ms. Drost's case. Thus, it appears that Mr. Shoemaker could easily have checked the deadlines in four cases in 30 minutes. Because Ms. Drost has not met her burden of proving that these three entries for Mr. Shoemaker's activities were reasonable, two hours (at Mr. Shoemaker's billing rate of $250.00 per hour) will be eliminated.

c. Work with Dr. Shoenfeld

Mr. Shoemaker included a total of 4.1 hours for work with Dr. Shoenfeld on April 19, May 29, June 17, and July 21-23, 2006. Pet'r Appl'n at pdf 37. Whether Mr. Shoemaker's work with Dr. Shoenfeld was reasonable depends upon whether Dr. Shoenfeld's work was reasonable. For the reasons explained below in section III.B.2, Ms. Drost has not established that Dr. Shoenfeld performed any work specific to her case. This finding means that Mr. Shoemaker's associated work also has not been established. Therefore, $1,530 will be deducted from the amount claimed in attorneys' fees.

2. Tasks Done by Ms. Gentry

Respondent objected to one hour of work listed by Ms. Gentry for "meeting with client and with Dr. Bellanti" on March 14, 2002. According to respondent, this work appears duplicative with an entry made by Mr. Shoemaker, who spent 7.5 hours meeting with the client and Dr. Bellanti on March 12, 2002. Resp't Resp. at 12.

In reply, Ms. Drost did not address this entry. She did not explain whether Ms. Gentry actually met with Dr. Bellanti, Mr. Shoemaker and the client on either March 12, 2002 or March 14, 2002. If there were two separate meetings, Ms. Drost did not explain why the meetings were not redundant. Consequently, one hour ($175.00) will be deducted from the attorneys' fees request.

3. Tasks Done by Ms. Knickelbein

a. Billing Rate

Ms. Drost seeks compensation for work performed by an associate attorney who works for Mr. Shoemaker, Ms. Knickelbein. Initially, Ms. Knickelbein's hourly rate was $155, and while this litigation was pending, it increased to $195. Pet'r Appl'n at pdf 9-20.

Respondent objected to compensating Ms. Knickelbein for performing tasks that "are more consistent with paralegal work." Respondent noted, correctly, that Ms. Knickelbein has charged at an attorney's rate for tasks such as preparing subpoenas for medical records, filing exhibits, and managing a calendar. Resp't Resp. at 12-13; see also Pet'r Appl'n at pdf 9-15.

Respondent's objection is well founded. The Court of Federal Claims has found that Ms. Knickelbein's duties, which do not vary from case to case, are in line with the duties of a paralegal. Valdes v. Sec'y of Health & Human Servs., 89 Fed. Cl. 415, 425 (2009). Valdes is consistent with decisions of special masters. Riggins v. Sec'y of Health & Human Servs., No. 99-382V, 2009 WL 3319818, at *20-21 (Fed. Cl. Spec. Mstr. June 15, 2009), motion for review denied on non-relevant grounds, (Fed. Cl. Dec. 10, 2009), appeal docketed, No. 2010-5078 (Fed. Cir. Feb. 17, 2010); Turpin v. Sec'y of Health & Human Servs., No. 99-535V, 2008 WL 5747914, at *5-7 (Fed. Cl. Spec. Mstr. Dec. 23, 2008).

While Ms. Drost made a number of arguments in her reply brief, she presented no persuasive argument for compensating Ms. Knickelbein at an attorney's rate. Ms. Drost's arguments repeat the arguments made and rejected in the cases cited above, such as that Ms. Knickelbein "performed . . . attorney work." Pet'r Reply at 7. As explained in the cases cited above, the tasks performed by Ms. Knickelbein could have been done by a paralegal. Therefore, Ms. Knickelbein will be compensated at a rate lower than an attorney's rate.

The rate for Ms. Knickelbein's work was set in Turpin, 2008 WL 5747914, at *7. For work performed in 2005 or earlier, Ms. Knickelbein was compensated at $105.00 per hour. For 2006, 2007 and 2008, the hourly rate increased by $10.00. That result will be followed here.

b. Reasonable Number of Hours

Respondent objected to compensating Ms. Knickelbein for certain tasks for various reasons. A common reason is that Ms. Knickelbein's entries duplicate entries made in other cases. For example, on March 24, 2004, Ms. Knickelbein claims to have spent one hour on "review file to see if fits profile of CFS case; conference with Cliff regarding case," on this case and at least six other cases.

As stated in section III.B.1.b, Mr. Shoemaker's time (0.6 hours) for meeting with Ms. Knickelbein on March 24, 2004,[2] was reasonable. Likewise, compensating Ms. Knickelbein for her time (1.0 hours) is also appropriate. The difference between the amount of time listed by Mr. Shoemaker and the amount of time listed by Ms. Knickelbein is not material because a junior attorney may reasonably spend time reviewing a case file before discussing the case with the senior attorney. Thus, this time will be awarded.

Respondent made a similar objection for entries dated April 19, 2004 and April 12, 2005. This objection is not sustained. For these two entries, the overall circumstances suggest that Ms. Knickelbein's entries were accurate. In April 2004, Ms. Knickelbein was filing exhibits 17-28,

[2] Either Mr. Shoemaker's time entry or Ms. Knickelbein's time entry appears to contain a typographical error because the date of their meeting to discuss the CFS cases is different. Nonetheless, the time will be awarded because it is likely that the two attorneys discussed the CFS cases on some day in March 2004.

reviewing those medical records, and entering data from the records. See Pet'r Appl'n at pdf 10-11. Thus, it seems reasonable that during this month, Ms. Knickelbein would have performed some additional work in Ms. Drost's case as noted in her April 19, 2004 entry. Further, the amount of time (0.30 hours or 18 minutes) is not so large that it is implausible for Ms. Knickelbein to have done work in Ms. Drost's case and other cases on the same date.

Respondent also challenged whether on April 12, 2005, Ms. Knickelbein spent one hour reviewing Ms. Drost's file. Respondent suggested that Ms. Knickelbein's time duplicated her work in another case on that date. Resp't Resp. at 13 n.29. Ms. Drost has established the accuracy of Ms. Knickelbein's entry and the reasonableness of the activity. Spending two hours on two different cases is not excessive. Furthermore, Ms. Knickelbein's work on April 13, 2005, one day after the entry in dispute, supports the assertion that Ms. Knickelbein was working on Ms. Drost's case. Thus, her time is credited.

Respondent also objected to the amount of time Ms. Knickelbein spent when the parties were discussing settlement. Ms. Drost's reply explained that the amount of time spent was reasonable because Ms. Knickelbein was conferring with Ms. Drost and performing other tasks. Ms. Drost's explanation is reasonable. Therefore, no time will be deducted for performing settlement activities.[3]

Finally, Ms. Drost has withdrawn 0.3 hours of Ms. Knickelbein's time for an entry dated January 6, 2009, because Ms. Knickelbein entered her time in the wrong case. Pet'r Reply at 11-12.

[3] The amount of time also reflects Ms. Knickelbein's billing rate. More experienced attorneys, such as Mr. Shoemaker or Ms. Gentry, may have been able to guide Ms. Drost through the settlement phase of the litigation more quickly than Ms. Knickelbein but they would have charged a higher hourly rate.

c. Summary for Ms. Knickelbein

	Requested			Awarded		
Period	Hours	Rate	Subtotal	Hours	Rate	Subtotal
through Dec. 2005	33.66	$155	5,217.30	33.66	$105	3,534.30
2006	0.20	$165	33.00	0.20	$115	23.00
2007	10.30	$175	1,802.50	10.30	$125	1,287.50
2008	15.30	$185	2,830.50	15.30	$135	2,065.50
2009	1.30	$195	253.50	1.00	$145	145.00
Total			**10,136.80**			**7,055.30**
Difference:						**3,081.50**

This table reflects that for Ms. Knickelbein's work, Ms. Drost originally requested approximately $10,000. She is awarded approximately $7,000. The difference ($3,081.50) will be deducted.

4. Additional Comments

The reductions made in the foregoing sections largely repeat deductions in earlier decisions. Mr. Shoemaker persists in presenting fee applications that contain errors, overbilling, duplicate billing, and vague entries. From 1997 through April 22, 2008, "seven different special masters reduced fee and costs requests filed by [Mr. Shoemaker] in at least fourteen different cases." Savin, 85 Fed. Cl. at 317.

Given this history, Mr. Shoemaker was warned that further fee applications may be subject to reduction. As stated in Valdes, "in light of the continued problems with Mr. Shoemaker's time records, future errors may not be tolerated without penalty." Valdes v. Sec'y of Health & Human Servs., 99-310V, 2009 WL 1456437 *4 (Fed. Cl. Spec. Mstr. Apr. 30, 2009) (citing Environmental Defense Fund, Inc. v. Reilly, 1 F.3d 1254, 1258 and 1260 (D.C. Cir. 1993), aff'd in part, reversed in part, and remanded, 89 Fed. Cl. 415 (2009). When the Court reviewed this decision, the Court quoted this passage. Valdes, 89 Fed. Cl. 418-19. The Court's quotation appears to be a tacit endorsement of the soundness of reducing fee applications to ensure compliance with previous judicial reviews.

Mr. Shoemaker has not fully conformed to judicial reviews. A prominent example is continuing to treat all work performed by Ms. Knickelbein as having the value of work performed by an attorney. After special masters reduced the reasonable hourly rate for tasks such as requesting medical records and entering data, see Valdes, 2009 WL 1456437, at * 4; Riggins,

2009 WL 3319818, at *20-21; Lamar v. Sec'y of Health & Human Servs., No. 99-583, 2008 WL 3845165, at *14 (Fed. Cl. Spec. Mstr. July 30, 2008); Turpin, 2008 WL 5747914, at *7; Duncan, 2008 WL 2465811, at 2-3. Mr. Shoemaker filed a motion for review to correct the perceived error in these decisions. The Court, however, affirmed that tasks that could be performed by paralegals should be charged at paralegal rates. Valdes, 89 Fed. Cl. 425. Mr. Shoemaker did not seek further review by filing an appeal to the Federal Circuit. Thus, Valdes would appear to resolve the matter.[4]

Yet, Valdes has not ended the dispute because all Ms. Knickelbein's time in Ms. Drost's case was charged at rates for an attorney. Ms. Drost's submission is therefore inconsistent with the Court's decision in Valdes. This failure to conform billing practices to judicial evaluations of those billing practices creates work for attorneys from the Department of Justice and consumes judicial resources.

Disputes over the rate of compensation for Ms. Knickelbein should not be occurring. See Lewis v. Kendrick, 944 F.2d 949, 958 (1st Cir. 1991) (stating "A request for attorney's fees is required to be in good faith and in reasonable compliance with judicial pronouncements."). Mr. Shoemaker has sought judicial review and the issue has been decided by the Court of Federal Claims. If Mr. Shoemaker disagreed with Valdes, then he could have appealed the decision. It is not reasonable to continue submitting fee requests that contain charges that are essentially the same as charges rejected by Valdes after Valdes. (Ms. Drost's fee application was filed approximately three weeks after the Court's decision in Valdes). Although Valdes brings into particular focus Ms. Knickelbein's billing rate, other decisions by special masters have identified other problems in the billing practice that have recurred with Ms. Drost's fee application.

As discussed in the foregoing analysis, Ms. Drost's fee petition contains errors in billing. For example, Mr. Shoemaker sought compensation for amending the case caption on August 18, 2003. After respondent objected because there was never a need to amend the caption, Ms. Drost stated that the entry "was an error." Pet'r Reply at 6. Similarly, the fee application included a request for Ms. Knickelbein to review Dr. Geier's report and call Dr. Geier's office in 2009. Respondent objected and pointed out that (a) the case had settled, and (b) Dr. Geier was not participating in this case. Ms. Drost withdrew this request because Ms. Knickelbein had entered the time in the wrong case. Pet'r Reply at 11-12.

These errors – which Ms. Drost recognizes as errors – undermine the confidence in Mr. Shoemaker's fee petition. Admissions that work charged in the fee petition was not actually performed (amending the case caption) and admissions that the work was performed in another

[4] A similar pattern happened in Riggins. The special master compensated Ms. Knickelbein at paralegal rates. Riggins, 2009 WL 3319818, at *20-21. A motion for review was filed but did not raise the rate of compensation for Ms. Knickelbein. An appeal to the Federal Circuit was lodged, but Mr. Riggins's initial brief also did not seek review of the special master's decision to compensate paralegal work performed by Ms. Knickelbein at paralegal rates.

case (reviewing Dr. Geier's report) open the door to arguments that Mr. Shoemaker has made multiple entries. While Mr. Shoemaker professes that on May 3, 2004, he spent 0.5 hours on various tasks in Ms. Drost's case and then spent the same amount of time on the same tasks for six more cases, see Pet'r Reply at 3; Mr. Shoemaker's representations are more difficult to accept when he admits that other entries are wrong.

Errors in fee petitions should be few and far between. One reason is that when an attorney states that he (or she) performed work in a certain case, the attorney is ethically required to be accurate to the tribunal. See Rule 3.3 of the Virginia Rules of Professional Conduct. Another reason for expecting that fee petitions will contain almost no mistakes is that the process of creating fee petitions should prevent any errors and/or correct any errors before the fee petition is filed. For example, Ms. Drost's fee petition contains the admittedly erroneous statement that Mr. Shoemaker worked on amending the case caption on August 18, 2003. Mr. Shoemaker provides no explanation as to why he made this entry. Pet'r Reply at 4. Previous decisions have alerted Mr. Shoemaker that his record keeping was not satisfactory. Therefore, Mr. Shoemaker should have followed the Supreme Court's instruction that fee applicants should "exclude from a fee request hours that are excessive, redundant, or otherwise unnecessary." Hensley, 461 U.S. at 433-34. Mr. Shoemaker's failure to exclude the August 18, 2003 entry as well as similar errors noted in other decisions leads to questions about whether Mr. Shoemaker is exercising "billing judgment." See Turpin, 2008 WL 5747914, at *2 (noting discussion about errors in billing).

This "billing judgment" should be exercised before the fee petition is submitted. It has long been the rule that fee petitions should be complete when filed. Wasson v. Sec'y of Health & Human Servs., 24 Cl. Ct. 482, 484 n.1 (1991), aff'd after remand, 988 F.2d 131 (Fed. Cir. 1993) (table). It continues to be the rule. Rodriguez v. Sec'y of Health & Human Servs., 91 Fed. Cl. 453, 480 (2010) (citing Wasson), appeal docketed, No. 2010-5093 (Fed. Cir. Mar. 19, 2010). A fee application is not "an opening [bid] in negotiations to reach an ultimate result." Fair Housing Counsel of Greater Washington v. Landow, 999 F.2d 92, 98 (4th Cir. 1993) (citations and quotation marks omitted, bracketed word in original); accord, Suozzi v. West, 12 Vet. App. 339, 340 (1999), aff'd, 232 F.3d 907 (Fed. Cir. 2000) (table).

In Ms. Drost's case, it appears that more care was given after the fee application was filed than before. Although petitioner's counsel's appropriate concessions eliminate some points of dispute, Ms. Drost's initial fee application burdened opposing counsel with the duty to review a fee application that has not been reviewed carefully. Moreover, Ms. Drost's fee application wrongly sought compensation for Ms. Knickelbein at an attorney's hourly rate for performing paralegal work after the Court had rejected this claim in Valdes. The present decision corrects the fee application and compensates Ms. Knickelbein at a reasonable rate. But, the time spent by both respondent's counsel and the undersigned would not have been necessary if Ms. Drost's attorney had complied with Valdes and reviewed the fee application before its submission.

The repetition of mistakes in Mr. Shoemaker's fee applications is not consistent with good lawyering and the repeated correction of those mistakes distracts judicial resources that could

have been devoted to other cases. Consequently, Mr. Shoemaker is again reminded to use more care in submitting fee applications. Mr. Shoemaker is also notified that the response to deficient fee applications may include an additional reduction in attorneys' fees, see Fair Housing Counsel, 999 F.2d at 96 (discussing when fee requests may be rejected entirely) and M.G. v. Eastern Reg'l High Sch. Dist., No. 08-4109, 2009 WL 3489358 (D.N.J. Oct. 21, 2009) (declining to award any attorneys' fees due to a history of fee applications that shocked the conscience of the court); and/or a referral to the judges of the Court of Federal Claims for further investigation, see Rule 83.2(g)(2)(B) (explaining that the Clerk of the Court will refer a complaint by a special master to a standing panel on attorney discipline).

C. Summary

Summary for Attorneys' Fees	
Amount Originally Requested	$34,417.03
Adjustment for Transfer of Mark Greenspan to Costs	($3,375.00)
Amount Requested for Reply Brief	$1,336.16
Deduction for Two Unsupported Entries	($1,025.00)
Deduction for Mr. Shoemaker's Duplicate Work	($500.00)
Deduction for Mr. Shoemaker's Work with Dr. Shoenfeld	($1,530.00)
Deduction for Ms. Gentry	($175.00)
Deduction for Ms. Knickelbein	($3,081.50)
TOTAL	$26,066.69

III. Costs

A. Standards for Adjudication

Ms. Drost is entitled to an award for the reasonable costs incurred by her attorneys. 42 U.S.C. § 300aa–15(e). The reasonable amount of an expert's compensation is determined using the same lodestar method used to determine the reasonable amount of compensation for an attorney. Simon v. Sec'y of Health & Human Servs., No. 05-941V, 2008 WL 623833, at *1 (Fed. Cl. Spec. Mstr. Feb. 21, 2008); Kantor v. Sec'y of Health & Human Servs., No. 01-679V, 2007 WL 1032378, at *4-8 (Fed. Cl. Spec. Mstr. Mar. 21, 2007).

"Reasonableness" may be evaluated from a paying client's perspective. The United States Supreme Court stated that "[h]ours that are not properly billed to one's **client** also are not properly billed to one's **adversary** pursuant to statutory authority." Hensley, 461 U.S. at 433-34 (emphasis

in original). If a hypothetical yet reasonable client would be willing to pay for an expert's report, then it is appropriate to award compensation for that expert's report. Arbor Hill Concerned Citizens Neighborhood Ass'n v. County of Albany and Albany County Bd. of Elections, 522 F.3d 182, 184 (2d Cir. 2008) (stating a trial court "must act later to ensure that the attorney does not recoup fees that the market would not otherwise bear. Indeed, the district court (unfortunately) bears the burden of disciplining the market, stepping into the shoes of the reasonable, paying client, who wishes to pay the least amount necessary to litigate the case effectively"); Goos v. National Ass'n of Realtors, 68 F.3d 1380, 1386 (D.C. Cir. 1995) (phrasing the question as "would a private attorney being paid by a client reasonably have engaged in similar time expenditures"); Norman v. Housing Authority of the City of Montgomery, 836 F.2d 1292, 1302 (11th Cir. 1988) (recognizing that "in the private sector the economically rational person engages some cost benefit analysis."); Presault v. United States, 52 Fed. Cl. 667, 680 (2002). The client must be pictured hypothetically because individual attributes of Ms. Drost (for example, her wealth or poverty) should not determine whether the cost is reasonable. Furthermore, it must be assumed that the client would have to pay for the expert because the client's self-interest would lessen the likelihood that the client would invest money in the expert needlessly.

One aspect of the general rule that costs must be reasonable to be compensable is that costs are not awarded for work that is not necessary work. Duplicative work is presumptively unnecessary. Attorneys are not entitled to compensation for performing work that is not necessary. Hensley, 461 U.S. at 434. The same principle restricts experts. Kantor, 2007 WL 1032378, at *4-8.

As the party requesting an award of costs, petitioners bear the burden of establishing their reasonableness. Presault, 52 Fed. Cl. at 670. When petitioners fail to meet their burden of proof, such as by not submitting appropriate documentation, special masters have refrained from awarding compensation. See, e.g., Gardner-Cook v. Sec'y of Health & Human Servs., No. 99-480V, 2005 WL 6122520, at *4 (Fed. Cl. Spec. Mstr. June 30, 2005). This practice is consistent with how the Federal Circuit and the Court of Federal Claims, two courts that review decisions of special masters, have interpreted other fee-shifting statutes. See Naporano Iron and Metal Co. v. United States, 825 F.2d 403, 404 (Fed. Cir. 1987) (the Equal Access to Justice Act); Presault, 52 Fed. Cl. at 679 (the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970). On the other hand, special masters have also compensated experts when the petitioner failed to submit information about the expert's hourly rate. See, e.g., English v. Sec'y of Health & Human Servs., No. 01-61V, 2006 WL 3419805, at *16 (Fed. Cl. Spec. Mstr. Nov. 9, 2006). These principles are the basis for evaluating whether the cost of a specific person is reasonable in the following sections.

B. Determinations

Ms. Drost seeks $9,466.88 in attorneys' costs and $500.48 in her personal costs. Pet'r Mot. at 1. In addition, for reasons explained below, the amount requested for Dr. Greenspan ($3,375.00) is properly treated as a cost. Thus, the total requested in costs is $13,342.36. The

primary, but not exclusive, components are costs for Dr. Greenspan, Dr. Shoenfeld ($1,000.00), and Dr. Bellanti ($7,350.00). Pet'r Appl'n at pdf 52. Respondent objected to these three items.

1. Dr. Mark Greenspan

Mark Greenspan is both an attorney and a doctor, whose speciality is surgery. Special masters are familiar with his work from other cases. Dr. Greenspan has represented at least one petitioner as an attorney. See Dobrydneva v. Sec'y of Health & Human Servs., No. 04-1593V, 2010 WL 2143481 (Fed. Cl. Spec. Mstr. Mar., 12, 2010), motion for review filed (April 12, 2010). Dr. Greenspan has also assisted Shoemaker & Associates.

In previous cases with Shoemaker & Associates, Dr. Greenspan's work has been treated as an item a "cost," rather than part of the attorneys' fees. See, e.g., Riggins, 2009 WL 1949120, at *14; Valdes, 2009 WL 1456437, at *7-8; Wadie v. Sec'y of Health & Human Servs., No. 99-493V, 2009 WL 961217, at *7 (Fed. Cl. Spec. Mstr. Mar. 23, 2009). There appears to be no reason to categorize Dr. Greenspan's work differently in this case. At best, Ms. Drost states in her reply that Dr. Greenspan "became a member of Shoemaker & Associates as of Counsel and he is stated as such on the Shoemaker and Associates letterhead." Pet'r Reply at 12. Even if this statement is accurate, Dr. Greenspan was not "of Counsel" in 2005, when he performed the work in Ms. Drost's case.[5] Consequently, Dr. Greenspan's invoice will be treated as a cost.[6]

Ms. Drost seeks compensation for 13.5 hours of activities performed between August 2005 and May 2006. Dr. Greenspan's billing rate is $250.00 per hour, making the total amount requested for Dr. Greenspan $3,375.00. Pet'r Appl'n at pdf 40. Respondent has objected to Dr. Greenspan's work entirely and also to the hourly rate requested by Dr. Greenspan.

The majority of Dr. Greenspan's time was spent reviewing medical records, creating a chronology, and analyzing the case in August 2005. In total, Dr. Greenspan spent 11.5 hours on these tasks. Pet'r Appl'n at pdf 40. Respondent objected because two attorneys (Mr. Shoemaker and Ms. Gentry) and one doctor (Dr. Bellanti) were already working on this case. Therefore, according to respondent, Dr. Greenspan's work was "excessive and redundant." Resp't Resp. at 11.

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[5] Respondent asserted that her review of the websites for Shoemaker & Associates and for Dr. Greenspan do not show an affiliation between the law firm and Dr. Greenspan. It is unnecessary to determine Dr. Greenspan's status. If such a determination were needed, it is likely that more substantial information, such as either W2s or 1099s, would be required.

[6] Ultimately, whether Dr. Greenspan's work is categorized as an attorneys' fees or as a cost does not affect the outcome. Ms. Drost bears the burden of showing the reasonableness of her requests, regardless of whether the item is part of the attorneys' fees request or a cost.

Respondent has not presented a persuasive argument that Dr. Greenspan's work in preparing a chronology was "redundant." Respondent has not identified people who had actively reviewed the case before Dr. Greenspan created a chronology in August 2005. Before August 2005, Ms. Knickelbein spent some time entering data and creating a chronology. The amount of detail contained in Ms. Knickelbein's chronology is not known. Additionally, although Dr. Bellanti had done some work on this case, Dr. Bellanti did not conduct much substantive work until July 2007, when Dr. Bellanti states that he "review[ed] chronological summary of records and other materials from attorney." Pet'r Appl'n at pdf 56. Therefore, Dr. Greenspan's work in preparing a chronology and so forth in August 2005 advanced Ms. Drost's case.[7]

Respondent's other objection is that Dr. Greenspan's 11.5 hours of work were "excessive." The reasonableness of the amount of time is affected by three factors – first, that Ms. Knickelbein had created at least a skeletal chronology of the medical records that Dr. Greenspan could use as a foundation; second, that Dr. Greenspan was not going to testify as an expert, meaning that another doctor would need to review the material; and third, that Dr. Bellanti's review of the records took approximately seven hours. All these facts suggest that Dr. Greenspan's review was longer than reasonable. Therefore, Dr. Greenspan will be compensated for 9.0 hours for work in August 2005.

After August 2005, Dr. Greenspan spent relatively little time on this case, only two hours. This time was spent discussing the case with Mr. Shoemaker. Pet'r Appl'n at pdf 40. Respondent objected to compensating Dr. Greenspan because his work was "redundant" with the work performed by Mr. Shoemaker, who seeks compensation for the same activity.

For this case, two hours of consultation between two attorneys is reasonable. Respondent is correct that Mr. Shoemaker and Dr. Greenspan are each billing for the same activity – essentially talking to each other. Discussions between attorneys are not necessarily unreasonable. Ms. Drost may benefit from the exchange of ideas and different viewpoints of each attorney. Thus, both Mr. Shoemaker and Dr. Greenspan will be compensated.

In sum, of the 13.5 hours sought by Dr. Greenspan, Ms. Drost has established that 11 hours were reasonably spent. The remaining question is the appropriate hourly rate.

Ms. Drost seeks compensation for Dr. Greenspan at an hourly rate of $250.00. To support this hourly rate, Ms. Drost relies upon Kort v. Sec'y of Health & Human Servs., No. 99-464V (Fed. Cl. Spec. Mstr. Dec. 17, 2007) and Carpenter v. Sec'y of Health & Human Servs., No. 99-463V (Fed. Cl. Spec. Mstr. Dec. 17, 2007). Pet'r Reply at 12.

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[7] Ms. Drost's case is distinguishable from Valdez, which found that Dr. Greenspan's work duplicated work performed by the attorneys, a nurse-consultant, or a testifying expert. Valdez, 2009 WL 1456437 (denying compensation to Dr. Greenspan entirely), aff'd in relevant part and rev'd in relevant part, 89 Fed. Cl. at 424-25 (compensating Dr. Greenspan for half of his time).

Kort and Carpenter constitute persuasive reasons for awarding Dr. Greenspan $250.00 per hour. These decisions are persuasive because the special master received evidence from four attorneys attesting to the reasonableness of Dr. Greenspan's hourly rate, which was $350.00 per hour in those two cases. For the question of a reasonable hourly rate, special masters often consider decisions by other special masters as a way to facilitate resolution of requests for attorneys' fees and costs. See, e.g., Rodriguez, 2009 WL 2568468, at *23 n.57. The Court has endorsed this approach when petitioners have not provided evidence to support a particular hourly rate. Sabella v. Sec'y of Health & Human Servs., 86 Fed. Cl. 201, 219 (2009) (affirming reduction in expert's rate from $250 per hour to $200 per hour). This practice has been adopted even though a special master's decision is not binding precedent. Hanlon v. Sec'y of Health & Human Servs., 40 Fed. Cl. 625, 630 (1998).

Consequently, Dr. Greenspan will be compensated for 11 hours of work at $250.00 per hour. The total for Dr. Greenspan is $2,750.00.

2. Dr. Shoenfeld

Ms. Drost seeks reimbursement for $1,000 paid to Dr. Shoenfeld. Ms. Drost's submission does not include an invoice from Dr. Shoenfeld. The evidence for Dr. Shoenfeld is a check from Mr. Shoemaker to Dr. Shoenfeld with a notation in the memo field saying "HBV-CFS General Causation." Mr. Shoemaker's record associates this payment with Ms. Drost's case. Pet'r Appl'n at pdf 55.

Respondent objected to compensation for Dr. Shoenfeld because he did not file a report and the request for payment is "overly vague." Respondent noted that except for the check from Mr. Shoemaker's office "[n]o other information regarding this cost was provided." Resp't Resp. at 15.

Ms. Drost's reply does not address the substance of respondent's objection by providing any information about Dr. Shoenfeld's work. Although Ms. Drost pointed out that exhibit 46 is a report from Dr. Shoenfeld about whether vaccines can cause chronic fatigue syndrome, this notation provides no details (such as date, number of hours and hourly rate) customarily found in invoices from experts. Furthermore, the report does not assist Ms. Drost in obtaining more compensation for Dr. Shoenfeld because Dr. Shoenfeld has already been compensated for this report. Exhibit 14 is a report on the general topic that was filed into another case, Kraljevic v. Sec'y of Health & Human Servs., No. 99-454V. Dr. Shoenfeld has already received compensation for his work in that case. Ms. Drost has not suggested why Dr. Shoenfeld's work in her case differed from his work in Kraljevic. Thus, Ms. Drost has failed to establish the reasonableness of Dr. Shoenfeld's request to be compensated in this case.

Counsel has previously been notified that an invoice from Dr. Shoenfeld was deficient. See Valdes, 2009 WL 1456437, at *5-6. Ms. Drost's evidence actually is less persuasive than the

evidence presented in Valdes because in Valdes the petitioner had submitted an invoice. In this case, there is not even an invoice.

Ms. Drost, like other petitioners, bears the burden of supporting the reasonableness of their fee requests. When the fee applicant fails to provide sufficient documentation to support their request, then their request will be denied. Gardner-Cook, 2005 WL 6122520, at *4.

3. Dr. Bellanti

Ms. Drost seeks compensation for work performed by Dr. Bellanti between 2002 and 2007. Dr. Bellanti indicates that he spent 21 hours on this case and has charged $350.00 per hour for a total cost of $7,350.00. Pet'r Appl'n at pdf 56-57. Dr. Bellanti produced one report, which was two pages, exhibit 38, and a second report, which was also two pages, Exhibit 51.

Respondent objected to the amount of time that Dr. Bellanti requested on the ground that the requested amount is "excessive." Resp't Resp. at 15. Although Ms. Drost addressed this objection, her response summarizes Dr. Bellanti's work and does not explain why the amount of time was reasonable. See Pet'r Reply at 16.

Ms. Drost has not met her burden of demonstrating the reasonableness of all Dr. Bellanti's work. Dr. Bellanti billed a total of 21 hours for preparing two reports totaling four pages. Dr. Bellanti's review of the medical records, which is a foundation for his two reports, was assisted by the summaries prepared by Dr. Greenspan, and Ms. Knickelbein. Under these circumstances, four hours at $350.00 per hour, which equals $1,400.00, will be eliminated from Ms. Drost's requested costs. The remaining time (17 hours) requested by Ms. Drost is reasonable.[8]

[8] Respondent requests that the decision identify any time spent by Dr. Bellanti on issues relating to "general causation" as opposed to causation in Ms. Drost's case specifically. Resp't Resp. at 15-16. Dr. Bellanti is compensated for these activities:

4/12/04	Meeting with attorney	1.0
5/3/04	Phone conference with attorney. Review literature and email Attorney re proposed tests	1.5
4/20/06	Review records and prepare for Meeting with attorney	2.0
4/21/06	Meeting with attorney	1.0

4. Other Costs

In addition to the costs for Dr. Greenspan, Dr. Shoenfeld, and Dr. Bellanti, the law firm incurred miscellaneous costs, such as for printing and copying. Pet'r Appl'n at pdf 52. These costs are reasonable. Ms. Drost is awarded these costs ($1,116.88) in full.

Ms. Drost seeks reimbursement of her personal costs of $500.48, which are supported by various invoices. Pet'r Appl'n at pdf 2-32. Respondent did not object. Resp't Reply at 14. A review of the expenses claimed by Ms. Drost indicates that they are reasonable. Thus, Ms. Drost is personally awarded $500.48.

5. Summary

Summary of Determinations for Attorneys' Costs	
Amount of Costs as Requested Originally	$9,466.88
Costs awarded for Dr. Greenspan (transferred from attorneys' fees)	$3,375.00
Adjustment for Dr. Shoenfeld	($1,000.00)
Adjustment for Dr. Bellanti	($1,400.00)
TOTAL	$10,441.88

IV. Conclusion

Ms. Drost has established that some portion of her requested attorneys' fees and costs are reasonable. Ms. Drost is awarded $26,066.69 in attorneys' fees, $10,441.88 in attorneys' costs, and $500.48 in costs for herself.

IT IS SO ORDERED.

S/ Christian J. Moran
Christian J. Moran
Special Master