

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

GARY T. MORAGA a/k/a GARY T. THOMPSON,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

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No. 08-002V

Special Master Christian J. Moran

Filed: June 12, 2009

attorneys' fees and costs, award in the amount to which respondent has not objected.

ATTORNEYS' FEES AND COSTS DECISION*

Petitioner, Gary Moraga, filed an application for attorneys' fees and costs on June 5, 2009. He is awarded the amount to which respondent has not objected.

Initially, Mr. Moraga sought a total of \$48,483.96 in attorneys' fees and costs. Apparently, the parties discussed the application for attorneys' fees and costs. After these discussions, Mr. Moraga filed an amended application on June 9, 2009. The total amount now requested by Mr. Moraga is \$43,983.96. In addition, pursuant to General Order No. 9, Mr. Moraga filed an affidavit stating that he incurred no litigation costs.

The total amount that Mr. Moraga now requests, and to which respondent does not object,

* 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).

is **\$43,983.96**.¹ This amount is reasonable.

After reviewing the request, the court awards **\$43,983.96** in attorneys' fees and other litigation costs. The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master

¹ Petitioner noted in his application for attorneys' fees and costs that the resolution by the parties of this application is not a concession on respondent's part of the reasonableness of Dr. Utz's hourly rate.

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.