

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-665 V

Filed: August 19, 2010

Not for publication

REBECCA L. KLINE, *

*

Petitioner, *

*

v. * Attorneys' Fees and Costs based on

*

Stipulation

*

SECRETARY OF THE DEPARTMENT *

OF HEALTH AND HUMAN SERVICES, *

*

Respondent. *

*

Gina McDermott, Noblesville, IN, for petitioner.

Linda S. Renzi, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On August 17, 2010, the parties filed the attached stipulation, in which they agreed to settle the attorneys' fees and costs in this case and described the settlement terms. In accordance with the General Order #9 requirements, petitioner states she incurred **\$355.21** in costs to pursue her petition. The court finds the amount requested by petitioner 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¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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.

The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards a total of **\$17,102.49**, representing reimbursement for **\$15,000.00** in Attorneys' Fees, **\$1,747.28** in Attorneys' Costs, and **\$355.21** in petitioner's costs. The award shall be in the form of:

- a) a check made jointly payable to petitioner and Gina McDermott in the amount of \$16,747.28; and
- b) a check made payable solely to petitioner in the amount of \$355.21.

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: August 19, 2010

/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.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

REBECCA L. KLINE,)	
)	
)	
Petitioner,)	
v.)	No. 09-665V
)	Special Master Millman
SECRETARY OF HEALTH)	ECF
AND HUMAN SERVICES)	
)	
Respondent.)	
)	

STIPULATION OF ATTORNEYS' FEES AND COSTS

1. Gina McDermott is counsel for petitioner in this case.
2. Petitioner submitted a draft final Application for Attorneys' Fees and Costs to respondent on or about May 3, 2010.
3. In informal discussions, respondent raised objections to certain items in petitioner's draft application. Based on these discussions, petitioner amended her Application for Attorneys' Fees and Costs in this matter to request reimbursement for attorneys' fees in the amount of \$15,000.00, and costs in the amount of \$1747.28. Respondent does not object.
4. Pursuant to General Order #9, petitioner has incurred \$355.21 in costs in pursuit of her claim. Respondent does not object.
5. The parties now request that a decision awarding the final attorneys' fees and costs described in paragraph 3 of this stipulation, totaling \$16,747.28, and \$355.21 in petitioner's costs described in paragraph 4 of this stipulation be issued.

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Respectfully submitted,

For Petitioner:

s/Gina McDermott
GINA MCDERMOTT
Attorney-at-law

For Respondent:

s/Linda S. Renzi
LINDA S. RENZI
Senior Trial Counsel
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Ben Franklin Station
Washington, D.C. 20044-0146
Tel: (202) 616-4133

DATED: August 17, 2010