

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

LISA MARKS-SMITH, *

Petitioner, *

v. *

SECRETARY OF HEALTH *

AND HUMAN SERVICES, *

Respondent. *

No. 08-723V
Special Master Moran

Filed: June 30, 2010

attorneys' fees and costs, award
based on joint stipulation

Michael A. London, Douglas & London, P.C., New York, N.Y., counsel for petitioner;
Lisa A. Watts, U.S. Department of Justice, Washington, D.C., counsel for respondent.

UNPUBLISHED ATTORNEYS' FEES AND COSTS DECISION*

Petitioner, Lisa Marks-Smith, seeks reimbursement for her attorneys' fees and costs. As a recipient of compensation, Ms. Marks-Smith is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). Petitioner is awarded the amount to which respondent has not objected

On May 21, 2010, Ms. Marks-Smith submitted a draft application for attorneys' fees and costs to respondent. After informal discussions with respondent, petitioner revised her initial request.

On June 12, 2010, the parties filed a joint stipulation regarding Ms. Marks-Smith attorneys' fees and costs, attached hereto as Appendix A. Ms. Marks-Smith also provided the court with a statement of costs in compliance with General Order No. 9, stating that she incurred no litigation costs.

* The undersigned intends to post this 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). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

After reviewing the request and supporting documentation, the undersigned finds the stipulated amounts reasonable.¹ Thus, petitioner is awarded attorneys' fees and other litigation costs. Those fees and costs are awarded as follows:

A lump sum of \$18,864.43 in the form of a check payable to petitioner and petitioner's law firm, Douglas & London, P.C..

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 Dr. Morgan's invoice indicates that he performed several tasks within a period of three months without identifying the specific dates on which those tasks were performed. The invoice also does not list how much time was spent on any individual task. This approach to billing may result in a failure to award Dr. Morgan all time requested. See Morse v. Sec'y of Health & Human Servs., 89 Fed. Cl. 683 (2009) (affirming reduction in costs for an expert).

Because respondent has not challenged this cost and because the overall number of hours appears to be reasonable, no deduction will be made for Dr. Morgan. Although Dr. Morgan's invoice is paid fully, petitioner's counsel should provide a copy of this decision to alert Dr. Morgan about problems with his invoice to avoid issues in the future.

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.

Respectfully submitted,

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PETITIONER:

s/Michael A. London
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Dated: June 11, 2010

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s/Lisa A. Watts
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Dated: June 11, 2010