

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-901 V

Filed: August 16, 2010

Not for Publication

DAWN BAILY,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Respondent.

Thomas P. Gallagher, Somers Point, NJ, for petitioner.

Glenn A. MacLeod, Washington, DC, for respondent.

Attorneys' Fees and Costs

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On July 9, 2010, petitioner filed an application for attorneys' fees and costs. Petitioner requested a total of **\$29,909.95** in attorneys' fees and costs, consisting of **\$22,811.25** in attorneys' fees and **\$7,098.70** in attorneys' costs. On August 2, 2010, petitioner orally informed the undersigned's law clerk that application was revised and she now requested a total of **\$26,401.00** in attorneys' fees and costs, consisting of **\$21,000.00** in attorneys' fees and **\$5,401.00** in attorneys' costs. Respondent has indicated that she will not object to the revised amount requested. In compliance with General Order #9, petitioner states that she has not incurred any expenses. The

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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.

court finds the amount requested by petitioner to be reasonable.

The clerk shall enter judgment for **\$26,401.00** and shall direct that the award be in the form of a check made jointly payable to petitioner and Gallagher & Gallagher Law Firm, LLC in the amount of **\$26,401.00**.

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 16, 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.