

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 07-138V

Filed: September 24, 2010

Not for Publication

JENNIFER B. JOHNSON, as mother and *
legal representative of the estate of *
ALEXANDER L. JOHNSON, *

Petitioner, *

Attorneys' Fees and Costs based
on Stipulation

v. *

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

David L. Terzian, Richmond, VA, for petitioner.

Michael P. Milmo, Washington, D.C., for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On September 23, 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 **\$2,801.65** 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¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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 **\$69,500.00**, representing reimbursement for **\$66,698.35** in attorneys' fees and costs and **\$2,801.65** in costs incurred by petitioner. The award shall be in the form of:

- A.) a check made jointly payable to petitioner and the law firm of Rawls & McNelis, P.C. in the amount of **\$66,698.35**; and
- B.) a check made solely payable to petitioner in the amount of **\$2,801.65**.

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: September 24, 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

JENNIFER B. JOHNSON, AS MOTHER)
AND LEGAL REPRESENTATIVE OF THE)
ESTATE OF ALEXANDER L. JOHNSON,)
)
Petitioner,)
) No. 07-138V
v.)
) Special Master Millman
SECRETARY OF HEALTH AND)
HUMAN SERVICES,)
)
Respondent.)
)

STIPULATION OF FACTS CONCERNING ATTORNEY'S FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. David L. Terzian, with the law firm of Rawls & McNelis, PC, is the attorney of record for petitioner, JENNIFER B. JOHNSON, AS MOTHER AND LEGAL REPRESENTATIVE OF THE ESTATE OF ALEXANDER L. JOHNSON.

2. Petitioner submitted a draft Application for Attorney's Fees and Costs to respondent on or about September 9, 2010.

3. During informal discussions between the parties, respondent raised objections to certain items in petitioner's draft application. Based on these discussions, petitioner has amended her Application for Attorney's Fees and Costs by reducing the amounts originally sought in this matter to request reimbursement in the following amount payable jointly to petitioner and her attorney of record:

- An award of \$66,698.35 for fees and costs incurred by the law firm of Rawls & McNelis, PC;

4. Pursuant to General Order #9, petitioner incurred reimbursable out-of-pocket expenses in the amount of \$2,801.65 payable solely to petitioner in pursuit of her claim. This amount is in addition to the attorney's fees and costs stated in paragraph 3, *supra*.

5. The parties now request that a decision awarding the attorneys' fees and costs, including petitioner's out-of-pocket expenses, described in paragraphs 3 and 4, *supra*, totaling \$69,500.00 be issued.

Respectfully submitted,

 /s/ David L. Terzian
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 /s/ Michael P. Milmoe
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Date: September 23, 2010