

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

(E-Filed: April 2, 2014)

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ANN MCCLENAGHAN,
Administrator of the Estate of
MADELINE MACKAY, Deceased,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

* No. 12-757V
*
*
*
* Special Master
* Hamilton-Fieldman
*

* Attorneys' fees and costs; Reasonable
* Amount Requested to which Respondent
* Does Not Object
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Ronald C. Homer, Boston, MA, for Petitioner.
Tara J. Kilfoyle, Washington, DC, for Respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On March 25, 2014, Petitioner filed his Application for Attorneys' Fees and Costs (Fee Application). This Fee Application requested a total of \$13,258.10 in attorneys' fees and \$1,386.01 in attorneys' costs. Fee Application at 1. In addition, the Fee Application requested \$776.14 for Petitioner's out-of-pocket expenses.² *Id.*

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). 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 a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or 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.*

² Consistent with the requirements of General Order #9, Petitioner filed a statement delineating costs borne by counsel and Petitioner on March 27, 2014.

Respondent communicated by email with the court the same day and indicated that Respondent does not object to an award in this amount. The undersigned finds these amounts to be reasonable.

The court hereby awards the Petitioner attorneys' fees and costs in the amount of \$15,420.25. **Specifically, Petitioner is awarded a lump sum of \$14644.11 in the form of a check payable jointly to Petitioner and Petitioner's attorney; Petitioner is also awarded a lump sum of \$776.14 in the form of a check payable solely to Petitioner.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the Clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

s/Lisa D. Hamilton-Fieldman
Lisa D. Hamilton-Fieldman
Special Master

³ Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).