

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-1870V

SHERRI MCCOYLE,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 20, 2022

Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Terrence Kevin Mangan, U.S. Department of Justice, Washington, DC, for Respondent.

ORDER WITHDRAWING DECISION – SPECIAL PROCESSING UNIT¹

On January 13, 2022, Respondent's counsel² emailed my chambers staff to inform them there was a mathematical error in the Fees Decision filed on July 19, 2021 at ECF No. 34, which was repeated in the Judgment entered on July 21, 2021 at ECF No. 36. See Informal Remark, dated Jan. 20, 2022. She confirmed that Respondent had not yet issued payment of the fees and costs award. The parties were informed that these errors would be corrected and that no further request or motion was needed. *Id.*

Pursuant to the Rules of the United States Court of Federal Claims ("RCFC"),³ I may correct "a clerical mistake or a mistake arising from oversight or omission." RCFC

¹ Because this unpublished Order contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Order will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² Respondent's counsel Lauren Kells, who is temporarily substituting for Terrance Mangan while he is out of the office, sent this email.

³ The RCFC 60(a) states that "[t]he court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice."

60(a). The parties agree that an incorrect total, \$9,710.50, was included in the Fee Decision and later Judgment entered in this case. ECF Nos. 34, 36. The correct total of the attorney's fees and costs awarded should be **\$9,705.50, representing the amounts of \$9,160.50 in attorney's fees and \$545.00 in attorney's costs.**

In light of the foregoing, the Clerk of the Court is hereby instructed to **WITHDRAW** the **Decision on Attorney's Fees** issued on **July 19, 2021** at **ECF No. 34** and to **VACATE** the **Judgment entered on July 21, 2021** at **ECF No. 36**. A Decision on Attorney's Fees will be reissued separately.

Any questions about this order or about this case generally may be directed to OSM staff attorney, Stacy Sims at (202) 357-6349 or email: Stacy_Sims.cfc.uscourts.gov.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran

Chief Special Master