

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

DUSTIN HARLOW,

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No. 20-550V

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Petitioner,

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Special Master Christian J. Moran

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v.

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Filed: April 15, 2024

SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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Edward Kraus, Kraus Law Group, LLC, Chicago, IL, for Petitioner;
Sarah Black Rifkin, United States Dep't of Justice, Washington, D.C., for
Respondent.

UNPUBLISHED DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

Pursuant to 42 U.S.C. § 300aa-15(e), petitioner has requested a total of \$86,234.44 in attorneys' fees and costs. The undersigned tentatively found that petitioner requested a reasonable amount and was entitled to the full amount requested. The undersigned allowed respondent an opportunity to comment. Respondent did not interpose any objections within the time permitted.

¹ The E-Government, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Governing Services). Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Petitioner's attorney, attorney staff, and expert have requested hourly rates that are consistent with the rates previously awarded. The number of hours is reasonable. Thus, the amount requested is reasonable.²

Petitioner is awarded \$86,234.44. This amount shall be made payable as a lump sum in the form of a check jointly payable to petitioner and petitioner's counsel, Edward Kraus.

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.³

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Dr. Gershwin logged his time in entries that sometimes exceeded four hours. See, e.g. Pet'r's Mot. at pdf 53, 57. These entries do not comport with the expert instructions. Order, issued Nov. 20, 2020, at 9. If the Secretary had interposed an objection, then Dr. Gershwin's compensation might have been reduced. Despite the lack of objection, petitioner's counsel should instruct Dr. Gershwin to create better invoices.

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.