

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-632V

(Not to be published)

GARY DUBIN

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

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Filed: February 26, 2014

Decision by Stipulation; Attorney's
Fees & Costs

Lawrence R. Cohan, Philadelphia, PA, for Petitioner

Jennifer L. Reynaud, Washington, DC, for Respondent

ATTORNEYS' FEES AND COSTS DECISION¹

On September 20, 2010, Petitioner filed a petition seeking compensation under the National Vaccine Injury Compensation Program. On August 16, 2013, the parties filed a stipulation detailing an amount to be awarded to Petitioner. The special master previously assigned to this case subsequently issued a decision finding the parties' stipulation to be reasonable and granting Petitioner the award outlined by the stipulation.

¹ Because this decision contains a reasoned explanation for my action in this case, I will 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 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the published decision's inclusion of certain kinds of confidential information. To do so, Vaccine Rule 18(b) permit each party 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 decision will be available to the public. Id.

On February 26, 2014, counsel for both parties filed another joint stipulation, this time regarding attorneys' fees and costs. The parties have stipulated that Petitioner's counsel should receive a lump sum of \$55,000.00 in the form of a check jointly payable to Petitioner and Petitioner's counsel. This amount represents a sum to which Respondent does not object. In accordance with General Order #9, the stipulation includes a statement that Petitioner incurred no reimbursable costs in pursuit of his claim.

I approve the requested amount for attorneys' fees and costs as reasonable. Accordingly, an award should be made in the form of a check jointly payable to Petitioner and Petitioner's counsel, Lawrence R. Cohan. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.²

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.