

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-237V

Filed: November 7, 2014

Not for Publication

EDWIN W. FOCKLER,

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Petitioner,

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Attorneys' fees and costs decision based on
stipulation of fact

v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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*

Respondent.

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F. John Caldwell, Sarasota, FL, for petitioner.

Lara A. Englund, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On November 7, 2014, the parties filed a stipulation of fact in which they agreed on an appropriate amount for attorneys' fees and costs in this case.

In accordance with the General Order #9 requirement, petitioner asserts that he did not incur any costs in pursuit of his petition. Petitioner submitted his request for attorneys' fees and costs to respondent. During informal discussions, respondent raised objections to certain items in petitioner's application. Based on these objections, petitioner amends his application for

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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 redact 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 redact such material from public access.

attorneys' fees and costs to \$21,514.70. Respondent does not object to this amount. The undersigned finds this amount to be reasonable. Accordingly, the court awards **\$21,514.70**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check payable jointly to petitioner and Maglio, Christopher & Toale, P.A., in the amount of **\$21,514.70**.

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: November 7, 2014

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, either separately or jointly, filing a notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

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|----------------------------|---|---------------------------------|
| EDWIN W. FOCKLER, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 13-237V |
| |) | Special Master Laura D. Millman |
| SECRETARY OF |) | |
| HEALTH AND HUMAN SERVICES, |) | |
| |) | |
| Respondent. |) | |
| |) | |

STIPULATION OF FACT CONCERNING ATTORNEYS' FEES AND COSTS

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

1. F. John Caldwell, Jr., is the attorney of record for petitioner in this matter.
2. Petitioner submitted an informal request for attorneys' fees and costs on June 20, 2014, and filed an application for fees and costs on October 28, 2014.
3. In informal discussions, respondent raised objections to certain items in petitioner's request. Based on these discussions, petitioner has amended his request for attorneys' fees and costs in this matter to request reimbursement for attorneys' fees and costs in the amount of \$21,514.70.
4. Pursuant to General Order #9, petitioner advanced no monies in reimbursable costs in pursuit of his claim.
5. The parties now request that a decision awarding final attorneys' fees and costs, totaling **\$21,514.70**, be issued.

Respectfully submitted,

s/ F. JOHN CALDWELL, JR.
F. JOHN CALDWELL, JR.
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s/ LARA A. ENGLUND
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DATED: November 7, 2014