In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-679V

(Not to be published)

GARY S. ROTH,	*	
	*	Filed: December 30, 2015
Petitioner,	*	
	*	Decision by Stipulation; Attorney's
v.	*	Fees & Costs
	*	
SECRETARY OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

Peter M. Young, Habush, Habush & Rottier, S.C., Wausau, WI, for Petitioner

Traci R. Patton, U.S. Dep't of Justice, Washington, DC, for Respondent

ATTORNEY'S FEES AND COSTS DECISION[1]

On September 13, 2013, Gary Roth filed a petition seeking compensation under the National Vaccine Injury Compensation Program. On July 2, 2015, the parties filed a stipulation detailing an amount to be awarded to Petitioner. I subsequently issued a decision finding the parties' stipulation to be reasonable and granting Petitioner the award outlined by the stipulation.

On December 23, 2015, counsel for both parties filed another joint stipulation, this time in regards to attorney's fees and costs. The parties have stipulated that Petitioner's counsel should receive a lump sum of $82,000.00, in the form of a check payable to Petitioner and Petitioner's counsel. This amount represents a sum to which Respondent does not object. In addition, and in

[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 (Dec. 17, 2002) (current version at 44 U.S.C. § 3501 (2014)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the posted decision's inclusion of certain kinds of confidential information. Specifically, under 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 whole decision will be available to the public. (*Id.*)

compliance with General Order No. 9, Petitioner has represented that he did not incur any reimbursable costs in proceeding on this petition.

I approve the requested amount for attorney's fees and costs as reasonable. Accordingly, an award should be made in the form of a check in the amount of $82,000.00 payable jointly to Petitioner and Habush Habush & Rottier Client Trust Account. 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.