

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-729V

Filed: June 30, 2011

JARROD RICKARD and JENNIFER)	
THOMPSON, legal representatives of)	
a minor child,)	NOT TO BE PUBLISHED
ALLIE ANN RICKARD,)	
)	Stipulation; Attorneys' fees
Petitioners,)	
)	
v.)	
)	
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	

Travis L. Holtrey, Caslin, Cecil & Holtrey, Owensboro, KY, for Petitioners.
Althea W. Davis, U.S. Dep't of Justice, Washington, DC, for Respondent.

DECISION¹

LORD, Special Master.

On June 29, 2011, Petitioners filed an Amended Application for Attorneys' Fees & Costs ("Application"). After informal discussions with Respondent, Petitioners request a total award of \$12,750.00 in attorneys' fees and costs and \$857.53 in reimbursable personal litigation costs. Application at 1. Respondent does not object to this request. Id.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the court finds the stipulated amount of \$13,607.53 in attorneys' fees and costs and personal litigation costs to be

¹ The undersigned intends to post this 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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire ruling will be available to the public. Id.

reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Application.

Accordingly, pursuant to Vaccine Rule 13, Petitioners are awarded a total of **\$13,607.53** in attorneys' fees and costs and personal litigation costs. The judgment shall reflect that Petitioners are awarded attorneys' fees and costs as follows:

- (1) in a check made payable jointly to Petitioners and Petitioners' counsel in the amount of \$12,750.00; and**
- (2) in a check made payable to Petitioners in the amount of \$857.53.**

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.²

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

As stated in petitioners' original application, the Court shall be reminded that in accordance with General Order #9, petitioners counsel has not been provided any documentation of out-of-pocket expenses in the proceedings on this petition. See, Petitioners' Application for Attorney's Fees and Costs Pursuant to 42 U.S.C. § 300aa-15(e), Exhibit A.

Respectfully Submitted, this the 29th day of June, 2011.

/s/ Travis L. Holtrey
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CERTIFICATE OF SERVICE

I hereby certify that the forgoing Notice was served via the ECF system on the 29th day of June, 2011 to the following:

Althea Walker Davis
Senior Trial Counsel
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146, Benjamin Franklin Station
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/s/ Travis L. Holtrey
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