

Rule 30. Judgment.

(a) **After Review.** After review and decision by a judge, the clerk shall forthwith enter judgment in accordance with the judge's decision.

(b) **Stipulation for Judgment.** Any stipulation for a money judgment shall be signed by authorized representatives of the Secretary of Health and Human Services and the Attorney General.

Rule 31. Reconsideration.

If a party files a motion for reconsideration of a judge's decision within 10 days of entry of the judgment, RCFC 59 shall apply.

Rule 32. Notice of Appeal.

Review of a Court of Federal Claims judgment by the United States Court of Appeals for the Federal Circuit may be obtained by filing with the clerk of the Federal Circuit a notice of appeal (petition for review) within 60 days of the date of the entry of judgment.

Rule 33. Election.

After review by the Court of Federal Claims and entry of judgment, an election as described in Vaccine Rule 12 shall be made within 90 days following the entry of judgment. However, if an appeal is taken to the United States Court of Appeals for the Federal Circuit pursuant to Vaccine Rule 32, the 90-day period for the election shall not run from the original date of judgment, but rather from the date of the appellate court's mandate or any subsequent judgment of the Court of Federal Claims on remand, whichever occurs later.

Rule 34. Attorneys' Fee and Costs.

Any request for attorneys' fees and costs, in a case where judgment followed a review by a judge, will be processed pursuant to Vaccine Rule 13.

Rule 35. [Abrogated.]

VI. RELIEF FROM JUDGMENT

Rule 36. Relief from Judgment.

(a) **General.** Following the entry of judgment by the Court of Federal Claims, if a party files a motion pursuant to RCFC 59 or 60, the clerk of the court shall refer such motion as follows. If the petition has previously been before a judge of the court upon review pursuant to Vaccine Rule 23, then the motion shall be referred to that judge. If the petition has not previously been before a judge of the court upon review pursuant to Vaccine Rule 23, then the motion shall be referred to the Office of Special Masters.

(b) **Review of a Special Master's Ruling.** When a motion pursuant to RCFC 59 or 60 is referred to a special master pursuant to subdivision (a) of this rule, that master shall file a written ruling upon such motion. That ruling shall become the final ruling of the court on the motion, unless a party files a motion for review of that ruling, accompanied by a memorandum of objections to the ruling, within 30 days of the date of the ruling. If such a review motion is filed, the case will be submitted to a judge of the court, who will review the special master's ruling, setting such ruling aside only if it is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. The non-

moving party may file a memorandum response within 30 days of the filing of the review motion. Memorandums for each party shall be limited to 20 pages and must conform to the provisions of RCFC 5.2.

(c) **If Judgment is Altered.** If the original judgment is modified pursuant to RCFC 59 or 60 or otherwise, and the petitioner is to receive any award for damages calculated with respect to the "date of judgment," such damages shall be calculated based upon the date of the original judgment, unless the ruling of the special master or court directs otherwise.

RULES COMMITTEE NOTE

Appendix B sets forth rules applicable to proceedings involving claims for the compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§300aa-10—300aa-34 (1994).

APPENDIX C

PROCEDURE IN PROCUREMENT PROTEST CASES PURSUANT TO 28 U.S.C. §1491(b)

I. INTRODUCTION

1. This Appendix describes standard practices in protest cases filed pursuant to 28 U.S.C. §1491(b) and supplements the Rules of the United States Court of Federal Claims, which are otherwise fully applicable to these cases.

II. REQUIREMENT FOR PRE-FILING NOTIFICATION

2. In order to expedite proceedings, prior to the filing of a protest case pursuant to 28 U.S.C. §1491(b), plaintiff's counsel shall (except in exceptional circumstances to be described in moving papers) provide at least 24-hours advance notice of filing the case to the:

- (a) Department of Justice, Commercial Litigation Branch, Civil Division—(202) 514-7300;
- (b) Clerk, United States Court of Federal Claims—(202) 219-9657;
- (c) procuring agency contracting officer by facsimile transmission, only; and
- (d) apparently successful bidder/offeror (in cases where there has been an award and the plaintiff has received notice of the identity of the awardee).

Such notice shall be provided during conventional business hours. The pre-filing notice is intended to permit the Department of Justice to assign an attorney to the case who can be prepared to address relevant issues on a timely basis and to permit the court to insure the availability of appropriate court resources. Failure to provide pre-filing notification will not preclude the filing of the case, but is likely to delay the initial processing of the case including the scheduling of the initial status conference. See paragraph 8, below. Plaintiff's counsel shall apprise the above entities of any material change in respect to the timing of, or intent to file, a protest. Plaintiffs are encouraged to provide earlier notice if possible as a courtesy to the court and to government counsel.

3. The pre-filing notice plaintiff provided pursuant to paragraph 2, above, should include the following information:

- (a) The name of the procuring agency and the number of the solicitation in the contested procurement;