

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 07-170V

Filed: September 11, 2012
Unpublished

SCOTT R. HAMMITT, as the Legal
Representative of his Minor Daughter,
RACHEL HAMMITT,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

Attorneys' fees and costs

Curtis R. Webb, Twin Falls, I.D., for Petitioner.

Althea Walker Davis, U.S. Department of Justice, Washington, D.C., for Respondent.

DECISION ON ATTORNEYS' FEES AND COSTS¹

Golkiewicz, Special Master.

On September 10, 2012, the parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs [hereinafter "Fee Stipulation"]. Petitioner moved for an award of final fees and costs on August 29, 2012.² In informal discussions, respondent raised certain objections to petitioner's request and petitioner agreed to amend his request to \$112,947.92. Fee Stipulation at ¶ 4. Respondent does not object to an award of this amended amount. *Id.* at ¶ 5. As stated in the

¹ The undersigned intends to post this decision on the website for the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). **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 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 entire decision will be available to the public. Id. Any motion for redaction must be filed by no later than fourteen (14) days after filing date of this filing. Further, consistent with the statutory requirement, a motion for redaction must include a proposed redacted decision, order, ruling, etc.**

² Previously, the court awarded petitioner interim attorneys' fees and costs in the amount of \$164,778.15 on April 7, 2011.

parties' Fee Stipulation, the "parties now request that the Court issue a decision awarding the attorneys' fees and costs described in paragraph 4 of this Stipulation" Fee Stipulation at ¶ 6. As set forth in the Fee Stipulation and petitioner's other filing, petitioner himself did not incur expenses in this case. Fee Stipulation at ¶ 4(b); Petitioner's Statement Concerning Costs, filed Aug. 29, 2012.

The court hereby awards the petitioner final attorney fees and costs in the total amount of \$112,947.92. **Specifically, petitioner is awarded a lump sum of \$112,947.92 in the form of a check payable jointly to petitioner and petitioner's attorney.**

The Clerk of the Court is directed to enter judgment accordingly.³

IT IS SO ORDERED.

s/ Gary J. Golkiewicz
Gary J. Golkiewicz
Special Master

³Pursuant 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. Furthermore, this amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C.A. §300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) which would be in addition to the amount awarded herein. See generally, Beck v. Secretary of the Dept. of Health & Human Servs., 924 F.2d 1029 (Fed. Cir. 1991).