

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

Filed: November 14, 2008
No. 00-0426V

NOT TO BE PUBLISHED

PATRICIA ANN D. WALTHER, D.V.M.,)	
)	
Petitioner,)	
)	Attorneys' Fees and Costs
v.)	
)	
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	

ATTORNEYS' FEES AND COSTS DECISION¹

GOLKIEWICZ, Chief Special Master.

Petitioner submitted petitioner's Application for Award of Attorney's Fees and Reimbursement of Costs (hereinafter "fee application") on August 5, 2008. Respondent filed Respondent's Response to Petitioner's Application for Attorney's Fees and Reimbursement of Costs on August 15, 2008. Petitioner filed Petitioner's Response to Respondent's Objections to Petitioner's Application for Fees and Costs on October 2, 2008.

After considering the parties respective positions, the undersigned convened a status conference on November 13, 2008, and discussed the court's resolution in this case with the parties. The parties did not object to the undersigned's resolution of the issues related to the fee application. Accordingly, the court finds the following award reasonable:

(1) \$24,293.35 in attorney's fees and \$1,660.63 in litigation costs to Lennart Eric

¹The 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, 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 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" decision will be available to the public. Id.

- Lundgren;
- (2) \$52,781.00 in attorney's fees and \$1806.13 in litigation costs to Richard Gage as an attorney at the Gage and Moxley law firm;
 - (3) \$62,000 in attorney's fees and \$21,165.98 in litigation costs to Richard Gage, P.C.; and
 - (4) petitioner is awarded \$20,126.75 for petitioner's litigation costs.

Accordingly, attorneys' fees and costs in the amount of \$137,753.11 are to be paid jointly to petitioner and petitioner's counsel Richard Gage, P.C. Fees and costs in the amount of \$25,953.98 are to be paid jointly to petitioner and petitioner's former counsel Lundgren Law Offices, P.C. Petitioner's cost in the amount of \$20,126.75 are to be paid directly to petitioner. The court thanks the parties for their highly cooperative efforts which quickly resolved this matter.

Accordingly, pursuant to Vaccine Rule 13, petitioner is hereby awarded a **total of \$163,707.09 in attorneys' fees and costs and a total of \$20,126.75 in petitioner's costs.**² The Clerk is directed to enter judgment according to this decision.³

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master

²This 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 HHS, 924 F.2d 1029 (Fed. Cir. 1991).

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.