

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

No. 08-761V  
Filed: January 12, 2011  
Unpublished

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JOHN B. BARRETT,	*	
	*	
Petitioner,	*	
	*	Decision on attorney fees and costs
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

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*Ronald Craig Homer, Conway, Homer & Chin-Caplan, P.C., Boston, M.A., for Petitioner.*  
*Glenn Alexander MacLeod, U.S. Department of Justice, Washington, D.C., for Respondent.*

**ATTORNEY’S FEES AND COSTS DECISION<sup>1</sup>**

**GOLKIEWICZ**, Special Master.

On December 8, 2010, petitioner filed an Application for Attorneys Fees and Costs [hereinafter “Fee Application”]. The Fee Application requests \$21,808.20 in attorney fees, \$1,909.70 in attorney costs, and \$391.65 in petitioner’s own costs; totaling a request for \$24,109.55. Fee Application at 1. In compliance with General Order #9, petitioner filed a Petitioner and Counsel Statement on December 8, 2010, confirming the costs requested in the Fee Application. On January 11, 2011, respondent filed a status report stating, “[a]fter reviewing the Fee [Application], respondent’s counsel files this status report to notify the special master and petitioner that she will not object to petitioner’s fees and costs request.” R Status Report, filed January 11, 2011.

Following review of the record and the Fee Application in this case, the court hereby awards the petitioner attorney fees and costs in the amount of \$24,109.55. **Specifically,**

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<sup>1</sup> 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.

**petitioner is awarded a lump sum of \$23,717.90 in the form of a check payable jointly to petitioners and petitioners' attorney; petitioner is further awarded a lump sum of \$391.65 in the form of a check payable to petitioner.**

The Clerk of the Court is directed to enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

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

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<sup>2</sup>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. 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).