

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

No. 10-534V  
Filed: August 3, 2011  
Unpublished

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TAYLOR CHITWOOD, by her parents,	*	
DAN and KIM CHITWOOD,	*	
	*	
Petitioners,	*	Attorneys' fees and costs
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

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*Michael G. McLaren, Black & McLaren, Memphis, T.N., for Petitioner.*  
*Justine E. Daigneault, U.S. Department of Justice, Washington, D.C., for Respondent.*

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

**GOLKIEWICZ**, Special Master.

On August 1, 2011, the parties in this case filed a Stipulation of Facts Concerning Attorneys' Fees and Costs [hereinafter "Fee Stipulation"]. The Fee Stipulation states that an informal request for fees and costs was submitted to respondent and, through informal discussions, respondent raised objections to certain items in the request. "Based on these discussions, petitioners amended their Application in this matter to request reimbursement of attorneys' fees and expenses in the amount of \$17,000.00. Respondent does not object." Fee Stipulation at ¶¶2, 3. Further, in compliance with General Order #9, the Fee Stipulation states petitioners themselves have not incurred costs in pursuit of this claim. *Id.* at ¶ 5.

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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.

The court hereby awards the petitioners attorney fees and costs in the amount of \$17,000.00. **Specifically, petitioners are awarded a lump sum of \$17,000.00 in the form of a check payable jointly to petitioners and petitioners' attorney.**

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).