

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

No. 09-781V  
Filed: August 23, 2011  
Unpublished

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MARK CLARK,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

Respondent.

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\* Attorneys' Fees and Costs  
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*David P. Murphy, David Murphy, Esq., Greenfield, IN, for Petitioner.*  
*Alexis B. Babcock, U.S. Department of Justice, Washington, D.C., for Respondent.*

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

**GOLKIEWICZ**, Special Master.

On August 22, 2011, petitioner filed petitioner's Verified Petition for Fees and Expenses [hereinafter "Fee Petition" or "Fee Pet."]. The Fee Petition requests \$12,812.25 in attorneys' fees and costs and states respondent does not object to an award in this amount. In compliance with General Order #9, the Fee Petition discusses the costs incurred by petitioner individually.

The court hereby awards the petitioner attorneys' fees and costs in the amount of \$12,812.25. **Specifically, petitioner is awarded a lump sum of \$6,062.25 in the form of a check payable jointly to petitioner and petitioner's attorney; petitioner is also awarded a lump sum of \$6,750.00.00 in the form of a check payable to petitioner individually.**

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

<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.**

<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

**IT IS SO ORDERED.**

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Gary J. Golkiewicz  
Special Master

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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).