

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

No. 03-232V  
Filed: October 17, 2011  
Unpublished

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NASSIBY CARTER-DESJARDINS, mother and natural friend of her daughter, DANIELLE DESJARDINS,	*	
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	*	
Petitioner,	*	Attorneys' 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.  
Ann Donohue Martin, U.S. Department of Justice, Washington, D.C., for Respondent.

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

**GOLKIEWICZ**, Special Master.

On October 13, 2011, the parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs [hereinafter "Fee Stipulation"]. Petitioner previously filed an Application for Attorneys' Fees and Costs. Fee Stipulation at ¶ 2; Motion for Attorney Fees, filed October 6, 2011. Respondent raised certain objections during informal discussions and, based upon those discussions, petitioner amends her fees and costs request. *Id.* at ¶ 4. Petitioner now requests a total of \$78,226.06 in attorneys' fees and costs. *Id.* In compliance with General Order #9, petitioner filed Petitioner and Counsel Statement, stating that of the amount requested, petitioner incurred \$150.00 in reimbursable costs paid solely by petitioner. *Id.* at ¶ 3; Petitioner and Counsel Statement, filed October 6, 2011. Further, the Fee Stipulation states, "[t]he parties now

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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.

agree that a decision should be entered awarding the attorneys' fees and costs . . . as set forth in paragraph 4." Fee Stipulation at ¶ 5.

The court hereby awards petitioner attorney fees and costs in the total amount of \$78,266.06. **Specifically, petitioner is awarded a lump sum of \$78,076.06 in the form of a check payable jointly to petitioner and petitioner's attorney of record; petitioner is also awarded a lump sum of \$150.00 in the form of a check payable to petitioner individually.**

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

**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).