

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

No. 05-605V
Filed: February 2, 2011
Unpublished

PAMELA DOYLE, on behalf of	*	
KATELYN DOYLE,	*	
	*	
Petitioner,	*	Decision on attorney fees and costs
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

Peter Harwood Meyers, National Law Center, George Washington University Law School, Vaccine Injury Clinic, Washington, D.C., for Petitioner.
Alexis B. Babcock, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY’S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

Judgment entered on the entitlement decision in this case on March 23, 2010. On December 21, 2010, petitioner filed an Application for Attorneys’ Fees and Costs [hereinafter “Fee Application”].² On February 1, 2011, the parties filed a Stipulation of Fact Concerning Attorneys’ Fees and Costs. Stipulation of Fact Concerning Attorneys’ Fees and Costs, filed February 1, 2011 [hereinafter “Fee Stipulation”]. The Fee Stipulation states “[i]n informal discussions, respondent raised certain objections to petitioner’s Application. As a result, petitioner has agreed to amend [her] request for fees and costs in this matter” Fee

¹ 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.**

² Petitioner’s counsel is hereby put on notice that future applications for fees and costs must comply with Vaccine Rule 13(a).

Stipulation at ¶ 3. The Fee Stipulation further states that petitioner now requests \$55,000.00 in attorney fees, \$3,258.00 in attorney costs, and \$1,722.38³ in petitioner's own costs. Id. The total amount now requested is \$59,980.38. Respondent does not object to the amended request. Id. at ¶ 4.

The court hereby awards the petitioner attorney fees and costs in the amount of \$59,980.38. **Specifically, petitioner is awarded a lump sum of \$58,258.00 in the form of a check payable jointly to petitioner and petitioner's attorney; petitioner is further awarded a lump sum of \$1,722.38 in the form of a check payable to petitioner individually.**

The Clerk of the Court is directed to enter judgment accordingly.⁴

IT IS SO ORDERED.

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

³ The undersigned brought it to the parties' attention that the figure recited for petitioner's own costs in the Fee Stipulation, \$422.38, differed from that in petitioner's original Fee Application and from petitioner's Statement Regarding General Order #9. On February 2, 2011, the undersigned's office confirmed with respondent that this figure was incorrect. Respondent does not object to awarding petitioner costs in the total amount originally requested, \$1,722.38. On February 2, 2010, petitioner's counsel was notified of this issue as well.

⁴Pursuant 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).