

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

No. 08-833V  
Filed: February 23, 2011  
Unpublished

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NANCY L. ELLIS,	*	
	*	
Petitioner,	*	
	*	Attorney fees and costs
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

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*Franklin John Caldwell, Jr., Maglio, Christopher & Toale, Sarasota, F.L., for Petitioner.*  
*Ryan Daniel Pyles, U.S. Department of Justice, Washington, D.C., for Respondent.*

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

**GOLKIEWICZ**, Special Master.

On February 22, 2011, the parties filed a Stipulation of Fact Concerning Attorneys’ Fees and Costs [hereinafter “Fee Stipulation”]. The Fee Stipulation states that petitioner “submitted a draft final Application for Attorneys’ Fees and Costs to respondent . . . . In informal discussions, respondent raised objections to certain items in petitioner’s draft Application. . . . petitioner agreed to reduce the amount being sought.” Fee Stipulation at ¶ 3. The Fee Petition further states, “[r]espondent does not object to the revised amount of \$40,969.82.” *Id.*

In compliance with General Order #9, the Fee Stipulation states that “petitioner advanced no monies in reimbursable costs in pursuit of her claim.” *Id.* at ¶ 4.

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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 rule requirement, a motion for redaction must include a proposed redacted decision, order, ruling, etc.

The court hereby awards the petitioner attorney fees and costs in the amount of \$40,969.82. **Specifically, petitioner is awarded a lump sum of \$40,969.82 in the form of a check payable jointly to petitioner and petitioner's 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).