

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

No. 08-57V
Filed: July 10, 2012
Unpublished

NICHOLAS GREENE, *
a minor, by and through his *
Guardian de Litem, STANLEY DAVID *
GREENE, *

Petitioner, *

Attorneys' fees and costs

v. *

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

Alan K. Nicolette, Nordstrom, Steele, Nicolette & Blythe, Tustin, CA, for Petitioner.
Chrysovalantis P. Kefalas, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On July 9, 2012, the parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs [hereinafter "Fee Stipulation"]. The Fee Stipulation states the parties engaged in informal discussions regarding an award of attorney fees and costs. "Petitioner requests reimbursement of attorneys' fees in the amount of \$25,104.16 and attorneys' costs in the amount of \$7,970.33, totaling \$33,074.49, to which respondent does not object." Fee Stipulation at ¶ 3. In compliance

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.**

with General Order #9, “petitioner’s counsel represents that all litigation costs were paid by petitioners’ attorney and that petitioner did not incur any out-of-pocket costs.” Stipulation at ¶ 4.

The court hereby awards the petitioners attorney fees and costs in the amount discussed above. **Specifically, petitioner is awarded a lump sum of \$33,074.49 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.²

IT IS SO ORDERED.

Gary J. Golkiewicz
Special Master

² 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).