

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-540V

Filed: February 25, 2011

Unpublished

CAMELIA H. HABITO,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

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Attorney fees and costs decision

Lisa A. Roquemore, Broker & Associates, P.C., Irvine, C.A., for Petitioner.
Ryan D. Pyles, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY’S FEES AND COSTS DECISION1

GOLKIEWICZ, Special Master.

On February 24, 2011, the parties filed a Stipulation of Fact Concerning Attorneys’ Fees and Costs [hereinafter “Fee Stipulation”]. The Fee Stipulation states that petitioners “submitted a draft final Application for Attorneys’ Fees and Costs to respondent . . . respondent raised objections to certain items in petitioner’s draft Application Based on these discussions, petitioner has amended her final Application for Attorneys’ Fees and Costs” Fee Stipulation at ¶ 2-3. The Fee Stipulation states that petitioner now requests attorney fees and costs in the amount of \$36,111.00, “to which respondent does not object.” Id. at ¶ 3. Petitioner further requests \$1,486.00 in her own reimbursable costs. Id. at ¶ 4 (noting compliance with General Order #9). “The parties now request that a decision awarding the final attorneys’ fees and costs described in paragraphs 3 and 4 of this Stipulation, totaling \$37,597.00, be issued.” Id. at ¶ 5.

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.

The court hereby awards the petitioner attorneys' fees and costs in the total amount of \$37,597.00. **Specifically, petitioner is awarded a lump sum of \$36,111.00 in the form of a check payable jointly to petitioner and petitioners' attorney; petitioner is further awarded a lump sum of \$1,486.00 in the form of a check payable to petitioner individually.**

The Clerk of the Court is directed to enter judgment accordingly.²

IT IS SO ORDERED.

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

²Pursuant 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).