

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

No. 05-1276V
Filed: December 8, 2011
Unpublished

JOSEPH HOSTETLER and MARY	*	
HOSTETLER, natural parents and legal	*	
representatives of MATTHEW	*	
HOSTETLER, a minor	*	
	*	
Petitioners,	*	Attorneys' fees and costs
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

David R. Grant, Friedman, Domiano & Smith Co., LPA, Cleveland, OH, for Petitioners.
Lisa Ann Watts, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On November 14, 2011, the petitioners filed their Motion for Payment of Petitioners' Attorney Fees and Costs [hereinafter "Fee Application" or "Fee App."]. Petitioners request reimbursement of \$36,230.00 in attorney fees and \$27,511.38 in litigation costs. Fee App. at p. 1. On December 7, 2011, respondent's counsel contacted the undersigned's office. Following her review of petitioners' Fee Application, respondent noted that no objection would be filed.

In compliance with General Order #9, petitioners filed a statements attesting they incurred costs of \$375.00, which was a portion of their expert's retainer fee. Fee App., Ex. 4, Affidavit of Petitioner Joseph Hostetler, filed Nov. 14, 2011; Fee Att., Ex. 5, Affidavit of Petitioner Mary

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.**

Hostetler, filed Nov. 14, 2011. This amount is included within the \$27,511.38 requested for litigation costs. Fee App. at p. 1.

After reviewing petitioners' Fee Application and the record in this matter, the court hereby awards the petitioners reasonable attorney fees and costs in the total amount requested, \$63,741.38. **Specifically, petitioners are awarded a lump sum of \$63,366.38 in the form of a check payable jointly to petitioners and petitioners' attorney; petitioner is also awarded a lump sum of \$375.00 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.

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).