

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

No. 09-767V  
Filed: March 29, 2012  
Unpublished

\*\*\*\*\*

JUDY RICE HUFF, as fiduciary of the Estate of  
EDWARD RAY HUFF, decedent,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

Respondent.

\*\*\*\*\*

\*  
\*  
\*  
\*     Attorneys' fees and costs  
\*  
\*  
\*  
\*  
\*  
\*  
\*

*Diana Stadelnikas, Maglio Christopher & Toale, Sarasota, FL, for Petitioner.*  
*Heather L. Pearlman, U.S. Department of Justice, Washington, D.C., for Respondent.*

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

**GOLKIEWICZ**, Special Master.

On March 28, 2012, the parties filed a Stipulation of Fact for Attorney's Fees and Costs [hereinafter "Fee Stipulation"]. The Fee Stipulation states the parties informally discussed a draft request from petitioner concerning attorneys' fees and costs. Fee Stipulation at ¶¶ 2-3. In those discussions, respondent raised objections to certain items and petitioner amended her request of attorneys' fees and costs to \$42,057.10.<sup>2</sup> *Id.* Further, the Fee Stipulation states, "[t]he parties request that a decision awarding the attorneys' fees and costs described in paragraphs 3 and 4 of this stipulation, totaling \$42,057.10, be issued." *Id.* at ¶ 6 (emphasis in original).

---

<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 statutory requirement, a motion for redaction must include a proposed redacted decision, order, ruling, etc.**

<sup>2</sup> In compliance with General Order #9, petitioner filed a Statement on March 28, 2012, stating petitioner did not personally incur any costs related to this litigation. Fee Stipulation at ¶ 5; Statement regarding General Order #9, filed March 28, 2012.

The court hereby awards the petitioners attorney fees and costs in the amount of \$42,057.10. **Specifically, petitioner is awarded a lump sum of \$42,057.10 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>3</sup>

**IT IS SO ORDERED.**

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

---

<sup>3</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).