

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

No. 10-86V
Filed: January 11, 2012
Unpublished

MATTHEW MORRISON MIZE, a minor, *
by and through his natural parents and legal *
guardians, SUZANNE and CHAUNCEY MIZE, *
*
Petitioners, *

v. *

Attorneys' fees and costs

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

Barrett J. Clisby, Barrett J. Clisby, PLLC, Oxford, MS, for Petitioner.
Linda Sara Renzi, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On December 13, 2011, the parties filed a Stipulation of Attorneys' Fees and Costs [hereinafter "Fee Stipulation"]. The Fee Stipulation states that petitioners submitted a draft request for final attorney fees and costs to respondent. Fee Stipulation at ¶ 2. Respondent raised certain objections during informal discussions and, based upon those discussions, petitioners amends their fees and costs request. *Id.* at ¶ 3. Petitioners now request \$9,873.08 in attorney fees and costs; to which respondent does not object. *Id.* In compliance with General Order #9, the Fee Stipulation states that petitioners did not incur costs in pursuit of this Petition. *Id.* at ¶ 4.

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.

Further, “[t]he parties now request that a decision awarding the final attorneys’ fees and costs in the amount of \$9,873.08 . . . be issued.” Id. at ¶ 5.

The court hereby awards petitioner attorney fees and costs in the total amount of \$9,873.08. **Specifically, petitioner is awarded a lump sum of \$9,873.08 in the form of a check payable jointly to petitioner and petitioner’s attorney of record.**

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).