

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

No. 09-792V
Filed: January 5, 2011
Unpublished

GARY D. MURPHREE,	*	
	*	
Petitioner,	*	Decision on attorney fees and costs
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

Anne C. Toale, Maglio, Christopher & Toale, Sarasota, F.L., for Petitioner.
Althea Walker Davis, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY’S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On January 4, 2011, the parties filed a Stipulation of Fact for Attorney’s Fees and Costs [hereinafter “Fee Stipulation”]. The Fee Stipulation states that “fees and reimbursement of costs to petitioner and petitioner’s attorney in the total of Eighteen Thousand and 00/100 Dollars (\$18,000.00), is reasonable and necessary pursuant to 42 U.S.C. § 300aa-15(e).” Fee Stipulation.

In compliance with General Order #9, the Fee Stipulation further states, “petitioner’s counsel hereby represents that petitioner incurred \$0.00 in out-of-pocket expenses in proceedings on this petition.” Fee Stipulation.

The court hereby awards the petitioners attorney fees and costs in the amount of \$18,000.00. **Specifically, petitioners are awarded a lump sum of \$18,000.00 in the form of a check payable jointly to petitioners and petitioners’ attorney.**

¹ The undersigned intends to post this decision on the United States Court of Federal Claims’s website, 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.

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

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).