

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

No. 09-294V  
Filed: November 14, 2011  
Unpublished

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JAMES TIDWELL,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Attorneys' fees and costs

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*Ronald Craig Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner.*  
*Althea Walker Davis, U.S. Department of Justice, Washington, D.C., for Respondent.*

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

**GOLKIEWICZ**, Special Master.

On September 28, 2011, petitioner filed an Application for Attorneys' Fees and Costs. On the same day, petitioner filed the Petitioner and Counsel Statement, in compliance with General Order #9, stating that of the costs, petitioner personally incurred \$1,220.53. Subsequently, on November 10, 2011, petitioner filed his Unopposed Amended Application for Attorneys' Fees and Costs [hereinafter "Fee Application" or "P Fee App."]. The Fee Application states that respondent informally raised objections to certain items in petitioner's original request. As a result of the parties' discussions, petitioner now requests \$39,567.16 in attorneys' fees and costs. P Fee App. at 1-2. The Fee Application further states that respondent does not object to an award in this amount. Id.

The court hereby awards the petitioner attorney fees and costs in the amount of \$39,567.16. **Specifically, petitioner is awarded a lump sum of \$38,346.63 in the form of a**

<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.

**check payable jointly to petitioner and petitioner's attorney; petitioner is also awarded a lump sum of \$1,220.53 in the form of a check payable to petitioner individually.**

The Clerk of the Court is directed to enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

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

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<sup>2</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).