

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

No. 09-278V
Filed: November 1, 2011
Unpublished

BETHANNY WALZ and KENNETH WALZ, *
Legal Representatives of SABRINA WALZ, *
a Minor, *

Petitioners, *

Attorneys' fees and costs

v. *

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

Respondent. *

Carol L. Gallagher, Gallagher & Gallagher Law Firm, LLC, Somers Point, N.J., for Petitioner.
Lara A. Englund, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On November 1, 2011, the parties contacted the undersigned's office communicating that they informally discussed petitioners' request for attorneys' fees and costs. Respondent noted that certain objections were raised and petitioners agreed to amend their request. Petitioners now request, and respondent does not object to, an award of \$53,000.00 for attorneys' fees and \$6,567.76 for litigation costs. Of this amount, and in compliance with General Order #9, petitioners' counsel represents that petitioners incurred \$303.17 in out-of-pocket expenses on this litigation.

The court hereby awards petitioners attorneys' fees and costs in the total amount of \$59,567.76. **Specifically, petitioners are awarded a lump sum of \$59,264.59 in the form of a**

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.**

check payable jointly to petitioners and petitioners' attorney; petitioners are also awarded a lump sum of \$303.17 in the form of a check payable to petitioners.

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).