

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

No. 09-717V  
Filed: July 8, 2011  
Unpublished

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ALBERTO WANCEL, \*  
\*  
Petitioner, \*  
\* Attorney fees and costs  
v. \*  
\*  
SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*  
\*  
Respondent. \*  
\*\*\*\*\*

*Franklin John Caldwell, Maglio, Christopher & Toale, Sarasota, F.L., for Petitioner.*  
*Lynn E. Ricciardella, U.S. Department of Justice, Washington, D.C., for Respondent.*

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

**GOLKIEWICZ**, Special Master.

On July 7, 2011, the parties filed a Joint Stipulation on Attorneys’ Fees and Costs and Motion for Decision [hereinafter “Fee Stipulation”]. The Fee Stipulation states, “[a]fter careful consideration and negotiation between Respondent and Petitioner, the parties hereby stipulate to entry of a decision awarding Petitioner attorneys’ fees and case costs totaling \$28,079.29.”

In compliance with General Order #9, petitioner filed a Statement on July 8, 2011, stating petitioner “did not incur costs related to the litigation of this matter.” Statement regarding General Order #9, filed July 8, 2011.

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<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.**

The court hereby awards the petitioner attorney fees and costs in the amount of \$28,079.29. **Specifically, petitioner is awarded a lump sum of \$28,079.29 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>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).