

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 05-1239V
Filed: July 10, 2008

NOT TO BE PUBLISHED

JONATHAN E. CORNEIL, *
*
Petitioner, *
* Attorneys' Fees and Costs
v. *
*
SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *
*
Respondent. *
*

ATTORNEYS' FEES AND COSTS DECISION¹

GOLKIEWICZ, Chief Special Master.

Petitioner submitted Petitioner's Application for Fees and Costs (hereinafter P Fee Appl.) on June 30, 2008. P Fee Appl., filed June 30, 2008. Petitioner stated that petitioner previously submitted an informal application to respondent. Id. After limited objections by respondent to some portions of the original fee application submission, petitioner accepted those objections and respondent does not object to the following fees and costs requested in P Fee Appl in the amount of \$39,000.00 for attorneys' fees and \$16,250.27 for costs for a total amount of \$55,250.27. Id.

After reviewing the request, the court finds that an award in the amount of \$39,000.00 in attorney's fees and the amount of \$16,250.27 in litigation costs, for a total of \$55,250.27 in attorneys' fees and costs to be reasonable. Fees and costs are to be paid jointly to petitioner and petitioner's attorney. The court thanks the parties for their cooperative efforts which quickly

¹The 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 trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and 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.

resolved this matter.

Accordingly, pursuant to Vaccine Rule 13, petitioner is hereby awarded a **total of \$55,250.27 in attorneys' fees and costs.**² In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment according to this decision.³

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master

²This 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 HHS, 924 F.2d 1029 (Fed. Cir. 1991).

³Pursuant 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.