

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

No. 07-388V

Filed: April 30, 2010

AYDEN COURVILLE, in and through his	*	
natural tutrix, HOLLY COURVILLE,	*	
	*	
Petitioner,	*	Attorney fees and costs decision
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

ATTORNEY’S FEES AND COSTS DECISION¹

GOLKIEWICZ, Chief Special Master.

On January 27, 2010, petitioner in the above-captioned case filed a Petition for Attorney’s Fees and Costs. P Petition for Attorney’s Fees & Costs, filed January 27, 2010. Petitioner states petitioner’s counsel expended 21.6 hours of legal services at a rate of \$200.00 per hour. Id. at 1-2. This totals \$4,320.00 in fees. Petitioner further states that \$4,118.04 was incurred in litigation costs. Id. at 2.²

On February 12, 2010, respondent filed a Response to Petitioner’s Motion for Attorney’s Fees and Costs. R Response, filed February 12, 2010. Respondent stated, “[a]lthough respondent

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 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.

² Petitioner’s original Petition for Attorney’s Fees and Costs was missing pages of the costs ledger filed as attached Exhibit B1. Petitioner later filed the complete Exhibit B1. Upon review of the additional pages, petitioner’s counsel noted the actual costs exceeded what was requested in the Petition for Attorney’s Fees and Costs; however, petitioner’s counsel communicated to the undersigned’s office on April 26, 2010, that petitioner would only be requesting the amount sought in the Petition for Attorney’s Fees and Costs.

does have some objections to petitioner's Motion, respondent will not contest the reimbursement of the amount requested, . . . because respondent believes that contesting an award of that amount in this case would not be an efficient use of Program resources." Respondent also noted that her position was not to be "construed to waive any right in the future to object or otherwise challenge the hourly rate and/or billing practices of petitioner's counsel." Id. at n. 2.

The undersigned notes, as did respondent, that petitioner's counsel does not account for time in a usual billable minutes manner. Petitioner's counsel's statement, Exhibit B, lists months, years, and tasks performed but does not show the quantity of time taken on each task or the date on which the work occurred. However, the total amount of time the attorney spent on the case, 21.6 hours, is reasonable based upon the time and work involved in the underlying Petition and the undersigned's experience with similar cases. For future reference, a more precise detailing of time spent on tasks is preferred. Petitioner is referred to the Guidelines for Practice under the National Childhood Vaccine Injury Compensation Program, which can found at <http://www.uscfc.uscourts.gov/sites/default/files/OSM.Guidelines.pdf> or requested from the court.

After reviewing petitioner's Application for Fees and Costs, the court hereby awards the petitioner \$4,320.00 in fees and \$4,118.04 in litigation costs. **Specifically, petitioner is awarded a lump sum of \$8,438.04 in the form of a check payable jointly to petitioner and petitioners' attorney.**³

The Clerk of the Court is directed to enter judgment accordingly.⁴

IT IS SO ORDERED.

Gary J. Golkiewicz
Special Master

³ 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 HHS, 924 F.2d 1029 (Fed. Cir. 1991).

⁴Pursuant 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.