

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

No. 07-891V  
Filed: December 17, 2008

NOT TO BE PUBLISHED

ROGER FELDMAN,	)	
	)	
Petitioner,	)	Attorneys' Fees and Costs
	)	
v.	)	
	)	
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
	)	

**ATTORNEYS' FEES AND COSTS DECISION<sup>1</sup>**

**GOLKIEWICZ**, Chief Special Master.

Petitioner filed Petitioner's Application for Attorneys' Fees and Costs (hereinafter "fee application") on December 11, 2008. In the fee application, petitioner's counsel represented that the parties reached an agreement regarding attorneys' fees and costs totaling \$23,843.51, which represents \$20,200.00 in attorneys' fees and \$3,643.51 in attorneys' costs. Pursuant to General Order # 9, petitioner advanced \$320.00 in reimbursable costs, in addition to the requested attorneys' fees and costs in the amount of \$23,843.51, for a total amount of \$24,163.51.

After reviewing the request, the court finds that an award in the amount of \$23,843.51 in attorneys' fees and costs for petitioner's counsel to be reasonable. Additionally, petitioner is awarded petitioner's costs in the amount of \$320.00.

Accordingly, pursuant to Vaccine Rule 13, petitioner is awarded a **total of \$24,163.51 in**

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<sup>1</sup>The 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.

**attorneys' fees and costs.**<sup>2</sup> Attorneys' fees and costs in the amount of \$23,843.51 are to be paid jointly to petitioner and petitioner's counsel. Petitioner's cost in the amount of \$320.00 is to be paid directly to petitioner.

The court thanks the parties for their cooperative efforts in resolving this matter. 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.<sup>3</sup>

**IT IS SO ORDERED.**

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

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<sup>2</sup>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).

<sup>3</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.