

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

No. 09-244V  
Filed: July 26, 2010  
Not to be Published

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JENNIFER HARDESTY and	*	
JEFFREY HARDESTY, parents and legal	*	
representatives of the minor child,	*	
JORDAN LEE HARDESTY,	*	Attorneys' fees and costs decision
	*	
Petitioners,	*	
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

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*Pamela Yvette Hourigan, Lexington, K.Y., for Petitioner.*  
*Debra A. Filteau Begly, U.S. Department of Justice, Washington, D.C., for Respondent.*

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

**GOLKIEWICZ**, Special Master.

On July 20, 2010, petitioners filed a Petition for Attorneys Fees and Costs [hereinafter "Fee Petition"]. The Fee Petition states that petitioners "have requested . . . [a]ttorney's fees in the amount of \$16,500.00 and costs in the amount of \$577.73. The total amount requested for attorney's fees and costs is \$17,077.73." Fee Petition. The Fee Petition further states, "[r]espondent has agreed not to object to this request." *Id.*

In compliance with General Order #9, petitioners filed a Statement on June 10, 2010, stating "no fees or costs have been paid by [petitioners] individually, and that all fees and costs

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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.*

to date have been paid by their counsel of record . . .” Statement of Fees and Costs Paid, filed June 10, 2010.

The court hereby awards the petitioners attorney fees in the amount of \$16,500.00 and costs in the amount of \$577.73. **Specifically, petitioners are awarded a lump sum of \$17,077.73 in the form of a check payable jointly to petitioners and petitioners’ 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).