

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

No. 99-356V
Filed: September 15, 2010
Unpublished

DEBBIE KAYE HUNT,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Attorneys' fees and costs decision

Clifford John Shoemaker, Shoemaker and Associates, Vienna, V.A., for Petitioner.
Ann Donohue Martin, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On August 25, 2010, petitioner filed a Motion for Attorney Fees and Costs [hereinafter "Fee Petition"]. On September 13, 2010, the parties filed a Stipulation of Fact Concerning Attorney's Fees and Costs [hereinafter "Stipulation"]. The Stipulation states the parties engaged in informal discussions, wherein respondent voiced objections to certain items in petitioner's Fee Petition. In response to these objections, petitioner has amended her Fee Petition to request \$2,097.93 in petitioner's own costs and \$63,509.90 in petitioner's attorney's fees and costs. Stipulation at ¶ 3. Further, the parties agree a decision awarding attorney's fees and costs in the above amounts should be entered, totaling \$65,607.83. Id. at ¶ 4.

In compliance with General Order #9, petitioner filed a Statement, stating all costs incurred by petitioner were included in the Fee Petition. Fee Petitioner at p. 2, Petitioner's Statement Regarding Retainers and Expenses, filed August 25, 2010.

¹ The undersigned intends to post this decision on the United States Court of Federal Claims' 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.

The court hereby awards the petitioner attorney fees and costs in the total amount of \$65,607.83. **Specifically, petitioner is awarded a lump sum of \$2,097.93 in the form of a check payable petitioner; and a lump sum of \$63,509.90 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.²

IT IS SO ORDERED.

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

²Pursuant 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).