

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 06-266

Filed: August 6, 2010

Not for Publication

PAUL and BONNIE NARDUCCI, *
parents and next friends of a minor child, *
JONATHAN PAUL NARDUCCI, *

Petitioners, *

Attorneys' fees and costs decision

v. *

SECRETARY OF *
HEALTH AND HUMAN SERVICES, *

Respondent. *

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioners.
Alexis B. Babcock, United States Department of Justice, Washington, DC, for respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On August 5, 2010, petitioners filed an Unopposed Application for Attorneys' Fees and Costs [hereinafter "Fee Application"]. Petitioners request: \$9,969.50 in attorneys' fees for petitioners' attorney of record, Ronald C. Homer of Conway, Homer & Chin-Caplan, PC; \$8,310.00 in attorneys' fees for petitioners' former attorneys at Silver, Golub & Teitell, LLP; and \$37,948.86 in total costs. The total amount requested for attorney's fees and costs is \$56,228.36. See Fee Application. The Fee Application further states, "Respondent's counsel has reviewed the petitioners' application and has indicated that she has no objections to the application." Id.

¹The 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.

In compliance with General Order #9, petitioners filed a Statement on August 5, 2010, informing the court that petitioners individually sustained no costs in the pursuit of this Petition. Petitioner and Counsel Statement, filed August 5, 2010.

Upon review of the record, the court hereby awards the petitioners attorney fees and costs in the amounts of \$9,969.50 in attorneys' fees for petitioners' attorney of record, Ronald C. Homer of Conway, Homer & Chin-Caplan, PC; \$8,310.00 in attorneys' fees for petitioners' former attorneys at Silver, Golub & Teitell, LLP; and \$37,948.86 in total costs. **Specifically, petitioners are awarded a lump sum of \$56,228.36 in the form of a check payable jointly to petitioners and petitioners' attorney of record.**

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).