

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 06-649V

Filed: September 11, 2008

NOT TO BE PUBLISHED

TIFFANI PEACOCK, Mother and Legal *

Guardian to *

MORGAN PEACOCK, a minor *

*

Petitioner, *

*

Attorneys' Fees and Cost

v. *

*

SECRETARY OF THE DEPARTMENT *

OF HEALTH AND HUMAN SERVICES, *

*

Respondent. *

DECISION¹

On August 11, 2008, petitioner filed petitioner's Petition for Attorney Fees and Costs (hereinafter P Fee Appl.). The undersigned's office discussed with respondent on September 10, 2008 their position on petitioner's application. Respondent stated that respondent does not object to the lower hourly billing rate proposed by petitioner in P Fee Appl. See P Fee Appl. para. 9, filed Aug. 11, 2008. Respondent also does not object to the billing rate for Ms. Friedman, para. 10, and the amount billed for costs incurred, para.11. *Id.* at para. 10-11. Respondent does not object to petitioner's request for a total of \$17,904.17 in attorneys' fees (\$10,966.67 for attorney Neil Fialkow and \$6,937.50 for attorney Wendy Friedman-Packer) and a total of \$2,235.30 in litigation costs.

After reviewing the request, the court finds that an award in the amount of \$17,904.17 in attorneys' fees and the amount of \$2,235.30 in litigation costs for petitioner's counsel to be

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 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.*

reasonable. The court thanks the parties for their cooperative efforts which quickly resolved this matter.

Accordingly, pursuant to Vaccine Rule 13, petitioner is hereby awarded a **total of \$20,139.47 in attorneys' fees and costs** to be paid jointly to petitioner and petitioner's counsel the Law Offices of Neil Fialkow.² 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.³

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master

²This 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).

³Pursuant 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.