

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-625V

Filed: November 10, 2010

_____)	
DONNA DONICA,)	
)	
)	NOT TO BE PUBLISHED
Petitioners,)	
)	
v.)	Attorney's Fees and Costs;
)	Unopposed request.
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

Sean Greenwood, Gauthier, Houghtaling and Williams, Houston, Texas, for Petitioner.
Ann D. Martin, United States Department of Justice, Washington, D.C. for Respondent.

ATTORNEY'S FEES AND COSTS

LORD, Chief Special Master.

Petitioner in the above captioned case filed an "Unopposed Application for Attorney's Fees and Costs" on November 10, 2010. In the Application, Petitioner requests a total award of \$70,200.00. Id. This amount represents \$70,000 in attorney's fees and costs, and in accordance with General Order #9, Petitioner represented that she incurred \$200.00 in personal litigation costs. Id. Petitioner states that Respondent has no objection to this request.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the court finds the requested award of \$70,000.00 in attorney's fees and costs and \$200.00 in petitioner's personal costs to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Unopposed Application.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of \$70,000.00 in attorney's fees and costs and \$200.00 in personal costs.

¹ 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 ruling will be available to the public. Id.

The judgment shall reflect that Petitioner is awarded **\$70,000.00** for attorney's fees and costs in a check made payable jointly to Petitioner and Petitioner's counsel.² Petitioner is awarded **\$200.00** for her personal costs in a check made payable to Petitioner only.

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.³

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
Chief Special Master

² 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. Sec'y of Dep't of Health & Human Servs., 924 F.2d 1029 (Fed. Cir. 1991).

³ 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.