

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 05-518V

Filed: February 22, 2010

| | | |
|----------------------------|---|---------------------------|
| LYDIA JAKYMOWYCH, |) | |
| as parent of her son, |) | |
| ALEXANDER JAKYMOWYCH, |) | NOT TO BE PUBLISHED |
| |) | |
| Petitioner, |) | Attorney's Fees and Costs |
| |) | |
| v. |) | |
| |) | |
| SECRETARY OF |) | |
| HEALTH AND HUMAN SERVICES, |) | |
| |) | |
| Respondent. |) | |

Ronald Craig Homer, Boston, MA, for Petitioners.

Traci R. Patton, United States Department of Justice, Washington, D.C., for Respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

LORD, Special Master.

Petitioner in the above captioned case filed "Petitioner's Amended Application For Attorneys' Fees and Costs" ("Application") on January 15, 2010. In the Application, Petitioner requests a total award of \$23,619.53. Id. This amount represents \$19,380.30 in attorneys' fees, \$3,989.23 in attorneys' costs, and \$250.00 in Petitioner's costs. Id. In accordance with General Order #9, Petitioner represented that she incurred \$250.00 of personal litigation costs. Pet'r &

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.

Counsel Statement, Jan. 15, 2010. Respondent does not object to Petitioner's fee application. Application at 1.

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 \$23,619.53 in attorneys' fees and costs to be reasonable. Based on the request's reasonableness and Respondent's lack of objection, the undersigned GRANTS Petitioner's request as outlined in the Application.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of \$23,619.53 in attorneys' fees and costs. The judgment shall reflect that Petitioner is awarded \$23,369.53 for attorneys' fees and costs in a check made payable jointly to Petitioner and Petitioner's counsel, and that Petitioner is awarded \$250.00 for costs in a check made payable to Petitioner.²

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
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.