

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 06-0595V

Filed: 15 November 2010

\* \* \* \* \*

ABIGAIL GOLEC, a minor, by her mother, PARIS GOLEC, and father, ALLEN GOLEC,

Petitioners,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

\* \* \* \* \*

*Michael G. McLaren, Jr., Esq.*, Black, McLaren, Jones, Ryland & Griffee, Memphis, Tennessee, for Petitioner;  
*Katherine Carr Esposito, Esq.*, U.S. Department of Justice, Washington, District of Columbia, for Respondent.

**UNPUBLISHED**

Attorneys' Fees & Costs;  
Stipulation of the Parties

### UNPUBLISHED DECISION ON ATTORNEYS' FEES AND COSTS BASED ON STIPULATION OF THE PARTIES<sup>1</sup>

Petitioners filed a motion for attorneys' fees and costs in the above-captioned matter on 2 September 2010. On 19 October 2010, Petitioners filed a General Order No. 9 Statement, signed by both of the Petitioners, which indicated the amounts which Petitioners themselves had borne costs in the prosecution of their Petition. After discussions with Respondent, the parties jointly filed a Stipulation on Attorneys' Fees and Costs on 27 October 2010. The above-referenced parties stipulate to the following payment of attorneys' fees and costs:

a. A lump sum of **\$118,788.44** in the form of a check payable to petitioners and petitioners' attorney, Michael G. McLaren, for all attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e), and;

b. A lump sum of **\$730.14** in the form of a check payable to petitioners for out-of-pocket expenses incurred by petitioners in proceeding on the petition.

---

<sup>1</sup> The Petitioner is reminded that, pursuant to 42 U.S.C. § 300aa-12(d)(4) and Vaccine Rule 18(b)(2), he may seek the redaction of material in this decision that "would constitute a clearly unwarranted invasion of privacy."

Based on a review of these filings, and the record in this case, the Court finds nothing unreasonable in the claim for \$119,518.58. Therefore, in the absence of a motion for review filed in accordance with RCFC Appendix B, **the clerk of the court is directed to enter judgment in favor of Petitioner in the amount of \$119,518.58** for reasonable attorney fees and costs in this matter.

Hence, **a check for \$730.14 shall be paid to Petitioner, and a check for \$118,788.44 shall be paid to Petitioner and Petitioner's counsel jointly.**

The amounts paid here are intended to cover all legal expenses and encompass all charges by the attorney against a client including "advanced costs" as well as fees for legal services rendered. An attorney may not charge or collect fees or costs in addition to the amount awarded herein. See 42 U.S.C. § 300aa-15(e)(3); *Beck v. Secretary of HHS*, 924 F.2d 1029 (Fed. Cir. 1991).

**IT IS SO ORDERED.**

Richard B. Abell  
**Richard B. Abell**  
Special Master