

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 09-191V
Filed: February 17, 2012
Unpublished

SAM BUSSARD and CALISTA BUSSARD, *
as parents and legal representatives of the Estate of *
JAMES BUSSARD, *

Petitioners, *

Attorneys' fees and costs

v. *

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

Ramon Rodriguez, III, Rawls & McNelis, P.C., Richmond, VA, for Petitioners.
Glenn A. MacLeod, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On February 17, 2012, the parties filed a Stipulation of Facts Concerning Attorney's Fees and Costs [hereinafter "Fee Stipulation"]. The Fee Stipulation states that petitioners submitted a draft request for attorney fees and costs to respondent. Fee Stipulation at ¶ 2. Respondent raised certain objections during informal discussions and, based upon those discussions, petitioners amend their fees and costs request. *Id.* at ¶ 3. Petitioners now request \$35,750.00 in attorney fees and costs. *Id.* Further, and in compliance with General Order #9, the Fee Stipulation states that petitioners incurred \$250.00 in reimbursable costs paid solely by petitioners. *Id.* at ¶ 4. Finally, the Fee Stipulation states, "[t]he parties now request that a decision awarding the

¹ The 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. Any motion for redaction must be filed by no later than fourteen (14) days after filing date of this filing. Further, consistent with the statutory requirement, a motion for redaction must include a proposed redacted decision, order, ruling, etc.**

attorney's fees and costs described in paragraphs 3 and 4 . . . totaling \$36,000.00, be issued." Id. at ¶ 5.

The court hereby awards petitioners attorney fees and costs in the total amount of \$36,000.00. **Specifically, petitioners are awarded a lump sum of \$35,750.00 in the form of a check payable jointly to petitioners and petitioners' attorney of record; petitioners are also awarded a lump sum of \$250.00 in the form of a check payable solely to petitioners.**

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).