

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

No. 10-752V
Filed: August 15, 2011
Unpublished

JOSE and MARIA IBARRA, as the legal *
representatives of the estate of SUSAN IBARRA, *

Petitioners, *

Attorneys' fees and costs

v. *

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

Respondent. *

Curtis R. Webb, Twin Falls, ID, for Petitioner.

Ann Donohue Martin, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On August 15, 2011, the parties filed a Stipulation of Fact Concerning Attorney's Fees and Costs [hereinafter "Fee Stipulation"]. The Fee Stipulation states that petitioners provided a copy of their request for fees and costs to respondent. In informal discussions, respondent raised objections to certain aspects of petitioners' request and petitioners have subsequently amended their request to \$27,877.74 in attorney fees and costs. Fee Stipulation at ¶ 3. The Fee Stipulation further states the parties agree a decision should be entered awarding petitioners this amount for fees and costs. *Id.* at ¶ 5. In compliance with General Order #9, petitioners filed a Statement on August 15, 2011, stating petitioners did not incur expenses in pursuit of this Petition. Petitioners' Statement Concerning Costs, filed August 15, 2011.

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.**

The court hereby awards the petitioners attorney fees and costs in the amount of \$27,877.74. **Specifically, petitioners are awarded a lump sum of \$27,877.74 in the form of a check payable jointly to petitioners and petitioners' attorney.**

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).