

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

No. 08-158V
Filed: February 7, 2011
Unpublished

DILLON PEARSON, by and through	*	
RONALD S. and JENNIE PEARSON, as	*	
parents and natural guardians,	*	
	*	Decision on attorney fees and costs
Petitioners,	*	
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

Anne C. Toale, Maglio, Christopher, & Toale, P.A., Sarasota, F.L., for Petitioner.
Darryl R. Wishard, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY’S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On February 7, 2011, the parties filed a Stipulation of Facts Regarding Attorneys’ Fees and Costs [hereinafter “Fee Stipulation”]. The Fee Stipulation states that petitioners “provided respondent’s counsel with a draft Application for Attorneys’ Fees and Costs” Fee Stipulation at ¶ 1. “In informal discussions, respondent raised objections to certain items . . . [and b]ased on these objections, petitioners will reduce the amount requested and ask that a decision be entered awarding a lump sum of \$86,500.00 for combined attorneys’ fees and costs” Id. at ¶ 2. Further, “[r]espondent does not object this amount.” Id.

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.

In compliance with General Order #9, “petitioners’ counsel hereby represents that petitioners incurred no out of pocket expenses in the proceedings on the petition.” Fee Stipulation at ¶ 3.

The court hereby awards the petitioners \$86,500.00 in attorneys’ fees and costs. **Specifically, petitioners are awarded a lump sum of \$86,500.00 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

² 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. 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).