

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

No. 09-58V
Filed: September 20, 2010

PATRICIA BLOW, as Trustee for the heirs	*	
and next of kin of KENN BLOW,	*	
	*	
Petitioner,	*	Attorney's fees and costs decision
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

Sheila Ann Bjorklund, Lommen Abdo Law Firm, Minneapolis, M.N., for Petitioner.
Glenn Alexander MacLeod, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On September 1, 2010, petitioner filed a Petition for Attorneys' Fees and Costs [hereinafter "Fee Petition"], requesting a total amount of \$30,882.01 in fees and costs. On September 20, 2010, the parties jointly contacted the undersigned's office, stating they had resolved issues regarding attorneys' fees and costs. Petitioner made an oral request to amend her Fee Petition to request \$27,500.00 in attorneys' fees and costs. Respondent does not object to this amended amount in fees and costs. In compliance with General Order #9, petitioner filed an Affidavit stating petitioner had incurred no out-of-pocket expenses in furtherance of her Petition. P Affidavit, filed September 2, 2010.

¹ The undersigned intends to post this decision on the United States Court of Federal Claims' 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 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.

The court hereby awards the petitioner attorneys' fees and costs in the total amount of \$27,500.00. **Specifically, petitioner is awarded a lump sum of \$27,500.00 in the form of a check payable jointly to petitioner and petitioner's attorney of record.**

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.

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 HHS, 924 F.2d 1029 (Fed. Cir. 1991).