

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 05-529V

Filed: August 9, 2010

ANACELI TORRES, a minor through her)	
Guardian ad litem, MARIA TORRES,)	
MARIA TORRES and RUDOLPHO TORRES,)	
)	NOT TO BE PUBLISHED
Petitioners,)	
)	
v.)	Attorney's Fees and Costs;
)	Enlargement; Stipulation
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	

Ravinder S. Bhalla, Bhalla & Cho, LLC, Jersey City, NJ for Petitioners.

Linda S. Renzi, United States Department of Justice, Washington, D.C. for Respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

LORD, Chief Special Master.

Petitioners in the above captioned case filed a "Joint Stipulation for Attorneys' Fees and Costs" ("Stipulation") on April 27, 2010. Judgment in this case was entered for Petitioners on February 20, 2009. On July 22, 2010, Petitioners filed a motion for relief from Vaccine Rule 13, which requires any request for attorneys' fees to be filed within 180 days of the entry of judgment. This motion is **GRANTED**.

In the Stipulation, the parties agreed to a total award of \$38,489.97. Stipulation. This amount represents \$32,770.00 in attorneys' fees and \$5,719.97 in attorneys' costs. Id. In accordance with General Order #9, Petitioners represented that they incurred no personal litigation costs. Id.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the court finds the requested award of \$38,489.97 in

¹ The undersigned intends to post this decision on the United States Court of Federal Claims's 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 trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire ruling will be available to the public. Id.

attorneys' fees and costs to be reasonable. Based on the request's reasonableness and Respondent's lack of objection, the undersigned **GRANTS** Petitioners' request as outlined in the Stipulation.

Accordingly, pursuant to Vaccine Rule 13, Petitioners are awarded a total of \$38,489.97 in attorneys' fees and costs. The judgment shall reflect that Petitioners are awarded \$38,489.97 for attorneys' fees and costs in a check made payable jointly to Petitioners and Petitioners' counsel.²

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment according to this decision.³

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
Chief Special Master

² 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. Sec'y of Dep't of Health & Human Servs., 924 F.2d 1029 (Fed. Cir. 1991).

³ 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.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

ANACELI TORRES, a minor through her)
Guardian ad litem, MARIA TORRES,)
and RUDOLFO TORRES,)

Petitioners,)

v.)

SECRETARY OF HEALTH AND)
HUMAN SERVICES,)

Respondent.)

No. 05-529V
Chief Special Master
Sandra D. Lord

JOINT STIPULATION OF ATTORNEYS'
FEEES AND EXPENSES

On October 27, 2009, petitioners informally submitted an application for attorneys' fees and costs to respondent. After a review of the application, respondent notified petitioners of respondent's objections to petitioners' application. Based upon respondent's objections, petitioners amended their application for fees and costs and the parties stipulate to the following:

1. Ravinder S. Bhalla, Esq. is the attorney of record in this matter;
2. Petitioners informally submitted an application for fees and costs on October 27, 2009;
3. In informal discussions, respondent raised objections to certain items in petitioners' draft application. Based on discussions, petitioners have amended their application for fees and costs and request reimbursement as indicated below:

Ravinder S. Bhalla - \$27,100 in attorneys' fees;

Ravinder S. Bhalla - \$5,492.56 in costs;

Joyce Calefati, Esq.- \$5,670.00 in attorney fees;
(Referring counsel)

Joyce Calefati, Esq. - \$227.41 in costs;

4. Pursuant to General Order #9, petitioners aver that they have no reimbursable costs in pursuit of their claim.

5. This stipulation reflects payment for all attorneys' fees and expenses incurred in this case.

Respondent does not object to the amended fees and cost set forth above.

Petitioners have reviewed this joint stipulation and agree with the contents herein.

Respectfully submitted,

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Assistant Attorney General

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