

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

No. 08-436V
Filed with Redaction: April 19, 2011
[Originally filed: December 2, 2010]
Not to be Published

LUISANNA GONZALEZ, as parent and *
natural guardian, of K.A.Q., *
 *
Petitioner, * Attorney fees and costs decision
 *
v. *
 *
SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *
 *
Respondent. *

Anne Carrion Toale, Maglio, Christopher and Toale, Sarasota, F.L., for Petitioner.
Alexis B. Babcock, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY’S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On November 22, 2010, the parties to this matter filed a Stipulation of Fact Concerning Attorneys’ Fees and Costs [hereinafter “Fee Stipulation”]. The Fee Stipulation states that petitioner informally submitted her Application for Fees to respondent on November 8, 2010. In informal discussions, respondent raised certain objections and petitioner has amended her request based upon the discussions. The Fee Stipulation states petitioner now requests \$38,000.00 in attorney fees and costs, to which respondent does not object. Further, the Fee Stipulation requests costs for petitioner personally, stating that petitioner incurred \$50.16 related to the litigation of this matter, to which respondent does not object. See Exhibit A, Statement Regarding General Order #9, included with the Stipulation of Fact Concerning Attorneys’ Fees and Costs.

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.

Upon review of the case and the Fee Stipulation, the court finds petitioner's requests reasonable and hereby awards the petitioner attorney fees and costs in the amount of \$38,050.16. **Specifically, petitioner is awarded a lump sum of \$38,000.00 in the form of a check payable jointly to petitioner and petitioner's attorney; and petitioner is also awarded a lump sum of \$50.16 in the form of a check payable to petitioner individually.**

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).