

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

No. 11-315V
Filed: June 14, 2012
Unpublished

RICHARD PETRAGLIA,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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* Attorneys' fees and costs
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Richard Michael Haley, Paolini & Haley, P.C., Boston, MA, for Petitioner.
Justine E. Daigneault, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On June 13, 2012, the parties filed a Stipulation of Fact concerning Attorneys' Fees and Costs [hereinafter "Fee Stipulation"]. The Fee Stipulation states that petitioner submitted an informal request for attorney fees and costs to respondent. Fee Stipulation at ¶ 2. Respondent raised certain objections during informal discussions and, based upon those discussions, petitioner amends her fees and costs request. Id. at ¶ 3. Petitioner now requests \$97,137.71 in attorney fees and costs. Id. In compliance with General Order #9, the Fee Stipulation states that petitioner has not incurred any costs proceeding on this Petition. Id. at ¶ 4. Further, "[t]he parties now agree that a decision should be entered awarding attorneys' fees and costs payable jointly to petitioner and petitioner's attorney . . . for a total amount of \$97,137.71" Id. at ¶ 5.

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 petitioner attorney fees and costs in the total amount of set for the in the Fee Stipulation. **Specifically, petitioner is awarded a lump sum of \$97,137.71 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

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).