

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

No. 10-713V  
Filed: August 17, 2011  
Unpublished

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MIKE and LAURA SHRIVER,  
as legal representatives of a minor child,  
ALEXANDER J. SHRIVER

Petitioners,

v.

SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Attorneys' fees and costs

*Richard H. Moeller, Bernstein, Moore, et. al., Sioux City, IA, for Petitioner.*  
*Jennifer Leigh Reynaud, U.S. Department of Justice, Washington, D.C., for Respondent.*

**ATTORNEY'S FEES AND COSTS DECISION<sup>1</sup>**

**GOLKIEWICZ**, Special Master.

On August 17, 2011, the parties filed a Stipulation of Fact for Attorney's Fees and Costs [hereinafter "Fee Stipulation"]. The Fee Stipulation states the parties have stipulated to an award of attorney fees and costs of \$11,014.00 as reasonable and necessarily incurred in pursuit of the underlying Petition. In compliance with General Order #9, petitioner's counsel represented that \$350.00 in out-of-pocket expenses were incurred by petitioners in proceeding on this Petition; this amount is agreed upon and in addition to the \$11,014.00. Fee Stipulation at p. 1; Statement Pursuant to General Order No. 9, Ex D, filed July 19, 2011.

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<sup>1</sup> 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 the petitioners attorney fees and costs in the total amount of \$11,364.00. **Specifically, petitioners are awarded a lump sum of \$11,014.00 in the form of a check payable jointly to petitioners and petitioners' attorney; petitioners are also awarded a lump sum of \$350.00 in the form of a check payable to petitioners individually.**

The Clerk of the Court is directed to enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Gary J. Golkiewicz  
Gary J. Golkiewicz  
Special Master

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<sup>2</sup>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).