

ORIGINAL

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 05-1231V

Filed: May 16, 2007

NOT FOR PUBLICATION



ROBERT W. SMITH,

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Petitioner,

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Attorney's Fees and Costs;
Stipulation of Fact

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v.

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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Respondent.

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ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Chief Special Master.

On May 3, 2007, petitioner filed his application for attorney's fees and costs in accordance with General Order No. 9. On May 11, 2007 the parties filed their Stipulation of Fact Concerning Attorney's Fees and Costs. In the Stipulation, the parties noted that during informal discussions, respondent raised objections to certain items in petitioner's initial application, to which petitioner acceded. Petitioner amended his application to request reimbursement for attorney's fees in the amount of \$47,987.76 and costs in the amount of \$31,268.50. Petitioner incurred no costs in the litigation.

¹The 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" decision will be available to the public Id.

After reviewing the request, the court finds that an award of **\$47,987.67 in fees** and **\$31,268.50 in costs** is appropriate and awards a total of **\$79,256.17** in attorney's fees and other litigation costs, which shall be made payable jointly to petitioner and his attorney.² The Clerk shall enter judgment accordingly.³

IT IS SO ORDERED.



Gary J. Golkiewicz
Chief Special Master

²This 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).

³Pursuant 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.