

OFFICE OF SPECIAL MASTERS

No. 00-170V

Filed: December 8, 2005

MARGARET ALTHEN,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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NOT TO BE PUBLISHED

ATTORNEYS' FEES AND COSTS DECISION¹

On November 7, 2005, petitioner's counsel filed "Petitioner's Application for Fees and Costs" and a signed statement by petitioner in accordance with General Order No. 9. Upon review, respondent's counsel had objections to this request. Petitioner's counsel subsequently agreed to reduce the fees and costs and filed "Petitioner's Amended Application for Fees and Costs" on December 6, 2005. On December 5, 2005, respondent's counsel orally informed the court that respondent does not object to petitioner's amended request of \$126,433.92 in attorney's fees, \$33,575.76 in attorney's costs, and \$529.25 in petitioner's costs.

Accordingly, the court finds that an award of **\$126,433.92 in fees** and **\$33,575.76 in costs** is appropriate. The award shall be made payable jointly to petitioner and her attorney. Additionally, an award of **\$529.25 in petitioner's costs** is appropriate. The award shall be made payable solely to petitioner.

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.

The clerk shall enter judgment accordingly.²

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).