

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 07-221V  
Filed: June 28, 2010

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ELBRYWN COCHRAN, a minor, by his mother \*  
AMY COCHRAN, and father, JOEL COCHRAN, \*  
\*  
Petitioners, \* Attorneys fees and costs decision  
\*  
v. \*  
\*  
SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*  
\*  
Respondent. \*  
\*\*\*\*\*

*Michael G. McLaren, Black & McLaren, Memphis, T.N., for Petitioner.*  
*Voris Edward Johnson, U.S. Department of Justice, Washington, D.C., for Respondent.*

### ATTORNEY’S FEES AND COSTS DECISION <sup>1</sup>

GOLKIEWICZ, Special Master.

On June 28, 2010, the parties filed a Stipulation of Fact Concerning Attorney’s Fees and Costs [hereinafter “Stipulation”]. The Stipulation states that petitioners submitted a draft application for fees and costs to respondent. Stipulation, ¶ 2; see also Stipulation, Attachment 1. In informal discussions, respondent raised certain objections to petitioners’ initial request and as a result, petitioners agreed to amend their request to seek \$79,292.39 in attorneys’ fees and costs. Stipulation, ¶ 3(a). In compliance with General Order #9, petitioners stated they did not incur costs in the pursuit of this Petition. Stipulation, ¶ 3(b); Stipulation, Attachment 3. The Stipulation further states, “[r]espondent does not object to the amended request.” See Stipulation, ¶ 4.

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<sup>1</sup> The 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 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.

The court hereby awards the petitioners \$79,292.39 in attorney fees and costs. **Specifically, petitioners are awarded a lump sum of \$79,292.39 in the form of a check payable jointly to petitioners and petitioners' attorney.**

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).