

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

No. 08-798V

Filed: June 16, 2010

DAVID P. WELSH,

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Petitioner,

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Attorneys' fees and costs decision

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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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Thomas P. Gallagher, Gallagher & Gallagher, Somers Point, N.J., for Petitioner.

Lisa A. Watts, U.S. Department of Justice, Washington, D.C., for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On June 2, 2010, petitioner in the above-captioned case filed his Application for Fees and Costs [hereinafter "Application for Fees"] and supporting documentation. In this Motion, petitioner requested \$23,005.00 in attorneys' fees and \$2,034.55 in litigation costs; totaling \$25,039.55.

On June 15, 2010, respondent filed a Stipulation of Fact Concerning Attorney's Fees and Costs [hereinafter "Stipulation"]. The Stipulation states that respondent raised objections to the Application for Fees during informal discussions. Based upon these discussions, petitioner has amended his Application for Fees to request \$21,500.00 in attorney's fees and \$2,034.55 in litigation costs; totaling \$23,534.55. "The parties now agree that a decision should be entered awarding attorney's fees and costs in the total of \$23,534.55 . . ." See Stipulation.

In compliance with General Order #9, petitioner filed a statement confirming petitioner did

¹ 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.

not incur costs in the pursuit of this Petition. P Statement, filed June 2, 2010.

The court hereby awards the petitioner \$21,500.00 in attorney's fees and \$2,034.55 in litigation costs. **Specifically, petitioner is awarded a lump sum of \$23,534.55 in the form of a check payable jointly to petitioner and petitioner's attorney.**

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 HHS, 924 F.2d 1029 (Fed. Cir. 1991).