

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. XX-XXV

Filed: October 7, 2010

CHILD DOE/91, by and through	)	
JOHN AND JANE DOE,	)	NOT TO BE PUBLISHED
As parents and natural guardians,	)	
	)	
Petitioners,	)	
	)	Attorneys' Fees and Costs;
v.	)	Unopposed request.
	)	
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	

Anne C. Toale, Maglio Christopher & Toale, Sarasota, FL for Petitioners;  
Chrysovalantis P. Kefalas, United States Dep't of Justice, Washington, D.C., for Respondent.

### **ATTORNEYS' FEES AND COSTS DECISION<sup>1</sup>**

**LORD**, Chief Special Master.

Petitioners in the above-captioned case filed an "Unopposed Application for Attorneys' Fees and Costs" on August 12, 2010. In the application, Petitioners request a total award of \$58,357.93. Id. This amount represents \$40,496.50 in attorneys' fees and \$17,861.43 in costs. Id. In accordance with General Order #9, Petitioners represent that they incurred no litigation costs. Respondent does not object to this Application.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. §300aa-15(e). After reviewing this request, the court finds the requested award of \$40,496.50 in attorneys' fees and \$17,861.43 in costs to be reasonable. Based on the request's reasonableness, the undersigned GRANTS the parties' request as outlined in the Unopposed Application.

Accordingly, pursuant to Vaccine Rule 13, Petitioners are awarded a total of \$40,496.50 in attorneys' fees and \$17,861.43 in costs. The judgment shall reflect that Petitioners are

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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 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.

awarded **\$58,357.93** for attorneys' fees and costs in a check made payable jointly to Petitioners' and Petitioners' counsel.<sup>2</sup>

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk of the Court is directed to enter judgment accordingly.<sup>3</sup>

**IT IS SO ORDERED.**

s/ Dee Lord  
Dee Lord  
Chief Special Master

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<sup>2</sup> 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. Sec'y of Health & Human Servs., 924 F.2d 1029 (Fed. Cir. 1991).

<sup>3</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.