

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS
No. 08-619V
Filed: June 28, 2010**

DONAVEE JOYNER,	*	
	*	
Petitioner,	*	
v.	*	Attorney Fees and Costs;
	*	42 U.S.C. § 300aa-15(e)(1)
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
	*	

DECISION AWARDING ATTORNEY FEES AND COSTS¹

Denise K. Vowell, Special Master:

In this case under the National Vaccine Injury Compensation Program,² the special master previously assigned to this case issued a [24] ruling finding that petitioner is entitled to compensation on October 22, 2009. After reassignment of this matter to me, I issued a [42] decision awarding damages based on a proffer on April 5, 2010. On June 24, 2010, petitioner's counsel filed an [48] application for attorney fees and costs incurred by petitioner and her counsel.³ The motion indicated that petitioner had previously discussed her attorney fees and costs with respondent and reached the award amount stated therein to which respondent would not object. Petitioner requests \$22,000.00 in fees incurred by her counsel; \$14,019.57 in costs incurred by her counsel; and \$250.00 in her own costs.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

² The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

³ Petitioner also filed a statement on June 24, 2010 pursuant to General Order #9 delineating costs borne by petitioner and costs borne by her counsel.

As the petitioner was found to be entitled to compensation in this case and damages were awarded, petitioner is also entitled to an award for fees and costs pursuant to 42 U.S.C. § 300aa-15(e)(1). Further, the proposed amounts seem reasonable and appropriate. Accordingly, I hereby award the total of **\$36,269.57**⁴ broken down as follows:

- a lump sum of \$36,019.57 in the form of a check payable jointly to petitioner, Donavee Joyner, and petitioner's counsel, Conway, Homer & Chin-Caplan, PC, for petitioner's attorney fees and costs;
- and a lump sum of \$250.00, in the form of a check payable to the petitioner, Donavee Joyner, for her own litigation costs.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.⁵

IT IS SO ORDERED.

s/ Denise K. Vowell
Denise K. Vowell
Special Master

⁴ This amount is intended to cover all legal expenses incurred in this matter. 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. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See *generally Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir. 1991).

⁵ Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).