

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

No. 99-424V
Filed: May 16, 2008

NOT TO BE PUBLISHED

JILL ANN BALL *
*
Petitioner, * Attorney's Fees and Cost
*
v. *
*
SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *
*
Respondent. *

ATTORNEYS' FEES AND COSTS DECISION¹

GOLKIEWICZ, Chief Special Master.

The parties filed a Joint Status Report Regarding Petitioner's Application for Attorneys' Fees and Costs (Status Report Attys' Fees and Cost) on May 7, 2008. Petitioner informally submitted her application for attorneys' fees and costs to respondent's counsel for review. Status Report Attys' Fees and Costs, filed May 7, 2008. Petitioner indicated her intent to seek reimbursement of fees and costs incurred in the prosecution of her claim by her attorneys at the firms of Rawls & McNelis and Shoemaker & Associates, in addition to costs she incurred herself. *Id.* After discussions with both counsel regarding respondent's concerns, petitioner agreed to amend her request. *Id.* Petitioner now seeks attorneys' fees and costs in the amount of \$31,387.18 for the firm of Rawls and McNelis, \$19,000.00 for the firm of Shoemaker and Associates, and \$165.20 in petitioner's costs. *Id.* The undersigned's office contacted respondent on May 14, 2008, and respondent does not object to petitioner's amended request for fees and costs.

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.*

After reviewing the request, the court finds that an award of attorneys' fees and costs in the amount of \$31,387.18 for the firm of Rawls and McNelis and \$19,000 for the firm of Shoemaker and Associates to be reasonable. Accordingly, pursuant to Vaccine Rule 13, petitioner is hereby awarded a **total of \$50,387.18 in attorneys' fees and costs.**² Attorneys' fees and costs in the amount of **\$31,387.18** shall be paid jointly to petitioner and petitioner's counsel the **firm of Rawls and McNelis**, the remaining **\$19,000.00** shall be paid jointly to petitioner and petitioner's counsel the **firm of Shoemaker & Associates**. The court also finds the award of **\$165.20 in petitioner's costs** to be reasonable. Petitioner's costs shall be made payable solely to petitioner.

The court thanks the parties for their cooperative efforts which quickly resolved attorney's fees and costs. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment according to this decision.³

IT IS SO ORDERED.

s/ Gary J. Golkiewicz
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).

³Pursuant 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.