

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
E-Filed: August 22, 2012

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RICHARD SWEET,	*	UNPUBLISHED
Petitioner,	*	No. 11-443V
v.	*	Chief Special Master
SECRETARY OF HEALTH	*	Campbell-Smith
AND HUMAN SERVICES,	*	Attorneys' Fees and Costs;
Respondent.	*	Amount Requested to which Respondent
* * * * *	*	Does Not Object

Anne C. Toale, Maglio, Christopher & Toale, P.A., Sarasota, FL, for petitioner.
Debra A. Begley, U.S. Dep't of Justice, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On July 7, 2011, Richard Sweet ("petitioner") filed a petition seeking compensation under the National Vaccine Injury Compensation Program ("Vaccine Program").² Petitioner alleged that as a result of his receipt of an influenza ("flu")

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends 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). 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.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) ("Vaccine Act" or "Act"). All citations in this decision to individual sections of the Act are to 42 U.S.C.A. § 300aa.

vaccine on October 11, 2010, he thereafter developed Guillain-Barré syndrome (“GBS”) and/or a postinfectious myelitis and resulting neuropathy, and has experienced the residual effects of these injuries for more than six months. Pet. at 1-3. The undersigned issued a decision in this case on August 7, 2012, awarding petitioner compensation based on a stipulation of the parties.

On August 22, 2012, counsel for both parties filed a stipulation of facts concerning attorneys’ fees and costs. See Stipulation of Facts. The parties stipulated that petitioner’s counsel should receive a lump sum of \$15,772.76, in the form of a check payable to petitioner and the law firm of petitioner’s attorney, Maglio, Christopher & Toale, for attorneys’ fees and costs.³ This amount represents a sum to which respondent does not object.

The undersigned approves the requested amount for attorneys’ fees and costs as reasonable. Accordingly, an award should be made in the form of a check payable jointly to petitioner and the Maglio, Christopher & Toale law firm, in the amount of \$15,772.76. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties’ stipulation.⁴

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia Campbell-Smith
Chief Special Master

³ Petitioner’s counsel asserts pursuant to General Order No. 9 that petitioner has not personally incurred any litigation costs in association with this proceeding on the petition.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of notice renouncing the right to seek review.