

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

(Filed: May 12, 2011)

GERALD DZIUBA and HEAVEN DELAY,)	
Parents of ETHAN DZIUBA, a Minor,)	
)	Joint Stipulation Regarding
Petitioners,)	Attorneys' Fees and Costs;
)	Omnibus Autism Proceeding
)	
)	
v.)	
)	
SECRETARY OF THE DEPARTMENT OF)	No. 03-55V
HEALTH AND HUMAN SERVICES,)	
Respondent.)	
)	

STIPULATED ATTORNEYS' FEES AND COSTS DECISION¹

On January 09, 2003, petitioners filed a claim for compensation on behalf of their son, Ethan, in the National Vaccine Injury Compensation Program (“the Program”). The undersigned issued a decision in this case on February 24, 2011.

On May 12, 2011, counsel for both parties filed a stipulation. The parties stipulated that petitioners’ counsel should receive a lump sum of \$5,671.72, in the form of a check payable to petitioners and the law firm of petitioners’ attorney, George G. Tankard, III, LLC, for attorneys’ fees and costs.² This amount represents a sum to which

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 In lieu of a statement from petitioners that complies with General Order No. 9, petitioner’s counsel has represented that she will reimburse petitioners for any personal litigation costs compensable under the Vaccine Act from the award of attorneys’ fees and costs in this case.

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 petitioners and the George G. Tankard, III, LLC, law firm, in the amount of \$5,671.72. 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.³

IT IS SO ORDERED.

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

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.