

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
(Filed: December 13, 2011)

TAMMY EDWARDS,)	
)	UNPUBLISHED
)	
Petitioner,)	No. 07-290V
)	
v.)	Attorneys' Fees and Costs
)	
SECRETARY OF THE DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

Anne Carrion Toale, for petitioner, Sarasota, FL.

Lisa Ann Watts, for respondent, Washington, DC.

ATTORNEYS' FEES AND COSTS DECISION¹

On May 8, 2007, Tammy Edwards (“petitioner”), filed a petition for compensation alleging that she suffered certain injuries as a result of receiving a vaccination. Among the injuries petitioner alleged that she had suffered as a result of receiving a trivalent influenza vaccination was Guillain-Barré Syndrome (GBS) or chronic inflammatory demyelinating polyneuropathy (CIDP). She sought an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program² (the Act

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,

or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2006).

On August 1, 2008, the undersigned issued a Ruling on Entitlement. On August 25, 2008, the undersigned conducted a status conference to discuss the parties' plan for resolving damages. See 8/29/2008 Order. On August 8, 2011, respondent filed a Proffer on Award of Compensation (Proffer), representing therein petitioner's agreement to the terms of the proffer. Based on a proffer filed by the parties, the undersigned issued a decision finding that petitioner is entitled to compensation under the Vaccine Program on August 8, 2011, and awarding damages. See 8/8/2011 Decision.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). On December 12, 2011, the parties filed a stipulation of fact concerning attorneys' fees and costs in the amount of \$121,524.51. Based on the reasonableness of petitioner's request and respondent's counsel's lack of objection to petitioner's counsel's fee request, the undersigned **GRANTS** approval and payment of attorneys' fees and costs based on the parties' stipulation. Petitioner's counsel filed a statement from her client that she incurred no out-of-pocket expenses per General Order No. 9. See 12/12/2011 Statement Regarding General Order #9.

The undersigned awards a total of \$121,524.51 in attorneys' fees and costs. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGEMENT** in petitioners' favor in the amount of \$63,212.00 in attorneys' fees and \$58,312.51 in attorneys' costs. The judgment shall reflect that the law firm Maglio, Christopher & Toale, PA, may collect \$121,524.51 from petitioner.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.³

IT IS SO ORDERED.

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

codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

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.