

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-0720V

E-Filed: June 27, 2011

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SYDNI STEINBERG, by her parents  
KEVIN and KIM STEINBERG,  
Petitioners,

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Stipulated Fees Decision Following  
Dismissal Decision

v.

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

\*  
\*

Respondent.

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## STIPULATED ATTORNEYS' FEES AND COSTS DECISION<sup>1</sup>

On October 23, 2009, Kevin and Kim Steinberg (“petitioners”), filed a petition for compensation on behalf of their daughter Sydni, alleging that she suffered certain injuries as a result of receiving a vaccination. They sought an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program<sup>2</sup> (the Act or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2006).

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<sup>1</sup> 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.

<sup>2</sup> 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 the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

On April 12, 2011, the undersigned issued a decision dismissing petitioners' petition for insufficient proof.

On June 24, 2011, counsel for both parties filed a stipulation of fact, stating that a decision should be entered awarding attorneys' fees, attorneys' costs, and petitioner's costs. The parties stipulated that petitioner's counsel shall receive the following compensation and respondent will not object:

A lump sum of \$14,022.93 in the form of a check payable to petitioner and petitioner's attorney, Michael McLaren, for attorneys' fees and costs and petitioner's costs. In accordance with General Order No. 9, petitioners represent that they incurred no out-of-pocket expenses in proceeding on the petition.

Stipulation ¶ 3-5.

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 Black McLaren Jones Ryland & Griffith, PC in the amount of \$14,022.93. 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.<sup>3</sup>

**IT IS SO ORDERED.**

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

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