

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-0269V

E-Filed: July 8, 2011

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IVAN WOODLEY,

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UNPUBLISHED

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Petitioner,

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v.

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Attorneys' Fees and Costs

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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F. John Caldwell, Sarasota, FL, for petitioner.

Chrysovalantis Kefalas, Washington, D.C., for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

Campbell-Smith, Chief Special Master

On April 29, 2009, Ivan Woodley (“petitioner”), filed a petition for compensation alleging that he suffered certain injuries as a result of receiving a vaccination. Among the injuries petitioner alleged that he had suffered as a result of receiving a trivalent influenza

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.

vaccination and a tetanus vaccination was Guillain-Barré syndrome. He sought an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program (the Act or the Program).² 42 U.S.C. §§ 300aa-1 to -34 (2006).

On May 9, 2011, counsel for both parties filed a stipulation, stating that a decision should be entered awarding compensation. On May 12, 2011, the undersigned issued a decision³ based on the parties' stipulation.

On July 8, 2011, the parties filed a joint stipulation of fact for attorneys' fees and costs. After reviewing the request, the court awards, as reasonable, \$17,000.00 in attorneys' fees and other litigation costs, which shall be made payable jointly to petitioner and petitioner's counsel, Franklin Caldwell, Jr., of the Maglio, Christopher & Toale law firm. The court thanks the parties for their cooperative efforts in resolving this matter.

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 E. Campbell-Smith
Chief Special Master

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-10 through § 300aa-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. § 300aa.

³ The Decision was re-issued with a correction on May 16, 2011.

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.