

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

**No. 09-0601V**

**E-Filed: November 22, 2010**

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DOROTHY G. PATIN,	*	TO BE PUBLISHED
	*	
Petitioner,	*	Trivalent Influenza Vaccine;
	*	Acute Demyelinating
v.	*	Encephomyelitis (ADEM);
	*	Attorneys' Fees and Costs
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
* * * * *	*	

Anne Toale, Sarasota, FL, for petitioners.

Linda Renzi, Washington, DC, for respondent.

**ATTORNEYS' FEES AND COSTS DECISION**<sup>1</sup>

**CAMPBELL-SMITH, Special Master**

On September 14, 2009, Dorothy Patin (“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 has suffered as a result of receiving a trivalent influenza vaccination was acute demyelinating encephomyelitis

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<sup>1</sup> Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless the decisions contain trade secrets or commercial or financial information that is privileged or confidential, or the decisions contain medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. Within 14 days of the filing of a decision or substantive order with the Clerk of the Court, a party may identify and move for the redaction of privileged or confidential information before the document’s public disclosure.

(“ADEM”). She 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).

On October 28, 2010, the undersigned issued a decision in this case based on a stipulation filed by the parties. See Decision. On November 19, 2010, the parties jointly filed a Stipulation of Fact Concerning Attorneys’ Fees and Costs (Stipulation Concerning Attorneys’ Fees). See Stipulation Concerning Attorneys’ Fees. On November 19, 2010, petitioner’s counsel also submitted a statement from petitioner pursuant to General Order #9, indicating that she incurred no out-of-pocket expenses related to the litigation of this case.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300 aa-15(e). Because the undersigned finds the parties’ stipulation to be reasonable, the undersigned awards a total of \$15,196.58 in attorneys’ fees and costs in this matter payable jointly to petitioner and their attorney, Anne C. Toale of the Maglio, Christopher Toale & Pitts Law Firm. The clerk of court **SHALL ENTER JUDGMENT** in favor of petitioner for \$15,196.58.

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

**IT IS SO ORDERED.**

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

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<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.