

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-290V

(E-filed: July 15, 2013)

* * * * *

KELLY WEBBER BLACK, as parent *
and natural guardian of, N.W., *

Petitioner, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

* * * * *

Anne C. Toale, Sarasota, FL, for Petitioner

Lisa A. Watts, Washington, DC, for Respondent

UNPUBLISHED

Special Master
Hamilton-Fieldman

Joint Stipulation Regarding Attorney’s
Fees and Costs; Reasonable Amount
Requested to Which Respondent Does
Not Object

ATTORNEY’S FEES AND COSTS DECISION¹

On May 8, 2009, Petitioner, Kelly Webber Black, filed a petition seeking compensation under the National Vaccine Injury Compensation Program (“the Vaccine Program”) on behalf of her minor child, N.W. On March 1, 2013, the Respondent filed a proffer, detailing an amount to be awarded to Petitioner. That same day, the Special Master previously assigned to the case issued a decision finding Respondent’s proffer to

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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). 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.

be reasonable and granting Petitioner the award outlined by the proffer. Judgment entered on March 4, 2013.

On July 11, 2013, counsel for both parties filed a joint stipulation, in regards to attorney's fees and costs. The parties stipulated that Petitioners' counsel should be awarded a sum of \$64,587.02, to cover attorney's fees and costs.² Additionally, the parties further stipulated that Petitioner personally expended reimbursable litigation costs of \$9,704.50. The above stipulated amounts represent sums to which Respondent does not object.

The undersigned approves the requested amount for attorney's fees and costs as reasonable. **Accordingly, an award should be made in the form of a check payable jointly to Petitioner and her attorneys, the Maglio Christopher and Toale firm, in the amount of \$64,587.02. Furthermore, an award should be made in the form of a check payable only to Petitioner, Kelly Webber Black, in the amount of \$9,704.50 to cover her reimbursable litigation costs.** 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/Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master

² The stipulation actually indicates that \$34,505.00 should be awarded for Attorney's Fees and \$30,082.02 should be awarded for litigation costs. \$64,587.02 is the combined total of the stipulated attorney's fees and costs for Petitioner's counsel.

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.