

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 09-062V

Filed: April 11, 2011

JOHN A. GUERRA and DONNA M. GUERRA,	)	
as Legal Representatives of a Minor Child,	)	
M.A. GUERRA,	)	
	)	NOT TO BE PUBLISHED
Petitioners,	)	
	)	
v.	)	
	)	
SECRETARY OF	)	Attorneys' Fees and Costs;
HEALTH AND HUMAN SERVICES,	)	Stipulation.
	)	
Respondent.	)	
	)	

Anne C. Toale, Maglio, Christopher & Toale, P.A., for Petitioners;  
Melonie J. McCall, United States Dep't of Justice, Washington, D.C., for Respondent.

### DECISION<sup>1</sup>

**LORD**, Special Master.

Respondent in the above-captioned case filed a joint stipulation of facts regarding attorneys' fees and costs (the "Stipulation") on March 30, 2011. After informal discussions with Respondent, Petitioner requests a total award of \$29,739.00 in attorneys' fees and costs. In accordance with General Order #9, Petitioners' counsel represents that Petitioners incurred \$626.94 in personal litigation costs. Respondent does not object to this request. Id.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). After reviewing the request, the court finds the stipulated amount of \$29,739.00 in attorneys' fees and \$626.94 in Petitioners' personal litigation costs to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Stipulation.

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<sup>1</sup>As provided by Vaccine Rule 18(b), each party has 14 days within which to request the redaction "of any information furnished by that party (1) that is 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." Rules of the United States Court of Federal Claims (RCFC), Appendix B, Vaccine Rule 18(b). In the absence of a timely objection, the entire document will be made publicly available.

Accordingly, pursuant to Vaccine Rule 13, Petitioners are awarded a total of **\$29,739.00** in attorneys' fees and costs and **\$626.94** in Petitioners' personal litigation costs. The judgment shall reflect that Petitioners are awarded attorneys' fees and costs as follows:

- (1) in a check made payable jointly to Petitioners and Petitioners' counsel, Anne C. Toale, of Maglio, Christopher & Toale, P.A., in the amount of \$29,739.00, and**
- (2) in a check made payable to Petitioners only in the amount of \$626.94.**

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 is directed to enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/Dee Lord  
Dee Lord  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.