

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

09-859V

Filed: January 27, 2012

_____ WILLIAM C. MCKENNA,)	
)	NOT TO BE PUBLISHED
Petitioner,)	
)	
v.)	Stipulation; Influenza (Flu) vaccine;
)	Guillain-Barré Syndrome (GBS);
SECRETARY OF)	Chronic Inflammatory Demyelinating
HEALTH AND HUMAN SERVICES,)	Polyneuropathy (CIDP)
)	
Respondent.)	
_____)	

Diana L. Stadelnikas, Maglio Christopher & Toale, Sarasota, FL, for Petitioner;
Claudia B. Gangi, United States Dep't of Justice, Washington, D.C., for Respondent.

DECISION ON FEES AND COSTS¹

LORD, Special Master.

On January 27, 2012, the parties in the above-captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of attorneys' fees and costs in this case. After informal discussions with Respondent, Petitioner requests a total award of \$46,334.35 in attorneys' fees and costs. In accordance with General Order #9, Petitioner's counsel represents that Petitioner incurred \$0.00 in reimbursable 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 \$46,334.35 in attorneys' fees and costs and \$0.00 in Petitioner's out-of-pocket expenses to be reasonable. Based on the request's reasonableness, the undersigned **GRANTS** the parties' request as outlined in the Stipulation.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$46,334.35** in attorneys' fees and costs and out-of-pocket litigation costs. The judgment shall reflect that Petitioner is awarded fees and costs as follows:

¹ In accordance with Vaccine Rule 18(b), petitioner has 14 days to file a proper motion seeking redaction of medical or other information that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Redactions ordered by the special master, if any, will appear in the document as posted on the United States Court of Federal Claims' website.

A lump sum of \$46,334.35 in the form of a check payable jointly to Petitioner and Petitioner's counsel, Diana L.Stadelnikas, Maglio Christopher & Toale, for attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e)

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.²

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
Special Master

² 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.