

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-551

Filed: July 29, 2011

CHRISTA L. VALDEZ, as the Parent and Proposed Administrator of the Estate of her deceased daughter, SANTANA VALDEZ,)	
)	
)	UNPUBLISHED
)	
Petitioner,)	Stipulation; Attorneys' fees;
)	HPV; death
v.)	
)	
SECRETARY OF HEALTH AND HUMAN SERVICES,)	
)	
)	
Respondent.)	

Mark T. Sadaka, Englewood, NJ, for Petitioner.

Debra A. Filteau Begley, U.S. Dep't of Justice, Washington, D.C., for Respondent.

DECISION¹

LORD, Special Master.

On July 20, 2011, the parties in the above-captioned case filed a Stipulation memorializing their positions as to the appropriate amount of attorneys' fees and costs in this case. After informal discussions with Respondent, Petitioner Christa Valdez, requests a total award of \$10,000.00 in attorneys' fees and costs. In accordance with General Order #9, Petitioner represented that she incurred no personal litigation costs. Respondent does not object to this request.

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 \$10,000.00 in attorneys' fees to be reasonable. Based on the request's

¹ The undersigned intends to post this decision on the United States Court of Federal Claims's 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 trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire ruling will be available to the public. Id.

reasonableness, the undersigned **GRANTS** Petitioner's request as outlined in the Stipulation.

Accordingly, pursuant to Vaccine Rule 13, Petitioner is awarded a total of **\$10,000.00** in attorneys' fees and costs. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

in a check made payable jointly to Petitioner and Petitioner's counsel in the amount of \$10,000.00.

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.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

CRISTA L. VALDEZ, as the parent *
and proposed administrator of the estate *
of her deceased daughter, **SANTANA** *
VALDEZ, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND *
HUMAN SERVICES, *

Respondent. *

No. 09-551V
SPECIAL MASTER
SANDRA D. LORD

STIPULATION OF FACTS CONCERNING ATTORNEYS' FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. Mark T. Sadaka is the attorney of record for petitioner.
2. Petitioner's claim for compensation was dismissed pursuant to a Motion to Dismiss filed by petitioner on July 11, 2011. A decision dismissing this case was filed on July 15, 2011.
3. Petitioner's counsel informally submitted a request for attorneys' fees and costs to respondent's counsel claiming \$9,815.00 in attorneys' fees and \$762.12 in costs, totaling \$10,577.12.
4. In informal discussions, respondent raised objections to certain items in petitioner's request. In response, petitioner has amended her total request for reimbursement of attorneys' fees and costs to \$10,000.00. Respondent does not object to this amount.
5. Petitioner understands that the payment of \$10,000.00 represents all attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e). Counsel for respondent has informed counsel for petitioner that she does not oppose petitioner's total request for \$10,000.00 for attorneys' fees and costs.

6. The parties now agree that a decision should be entered awarding attorneys' fees and costs to petitioner and her attorney, Mark T. Sadaka of Sadaka and Associates, in the amount of \$10,000.00.
7. Nothing in this Stipulation, including the amount set forth in paragraph 4, should be construed as an admission, concession, or waiver by either party as to any of the matters raised by petitioner's request for attorneys' fees and costs, including but not limited to the hourly rates requested, the number of hours requested, and other litigation-related costs. Respondent states (without waiving any objections) that the total amount of compensation set forth in paragraph 4 is not an unreasonable amount to have been incurred for proceedings in this case.

Respectfully submitted,

/s/ MARK SADAKA
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/s/ DEBRA A. FILTEAU BEGLEY
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Dated: July 19, 2011