

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 09-50 V

Filed: March 21, 2011

Not for Publication

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LEE A. KEFFER,

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Petitioner,

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Attorneys' Fees and Costs

v.

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based on Stipulation

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SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

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Respondent.

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Anne C. Toale, Sarasota, FL, for petitioner.

Lisa Watts, Washington, DC, for respondent.

**MILLMAN, Special Master**

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

On March 21, 2011, the parties filed the attached stipulation, in which they agreed to settle the attorneys' fees and costs in this case and described the settlement terms. Petitioner requests **\$32,068.35** for attorneys' fees and costs in this case. The court finds the amount requested by petitioner to be reasonable.

In accordance with the General Order #9 requirements, petitioner states that no costs were incurred to pursue this petition.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to delete such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

The court hereby adopts the parties' said stipulation and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards **\$32,068.35**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of one check made jointly payable to petitioner and the law firm Maglio, Christopher & Toale, P.A., in the amount of **\$32,068.35**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: March 21, 2011

s/ Laura D. Millman  
Laura D. Millman  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.

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

LEE A. KEFFER,

Petitioner,

vs.

CASE NO. 09-50V

Special Master Millman

SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Respondent.

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STIPULATION OF FACT  
FOR ATTORNEY'S FEES AND COSTS

WHEREFORE, IT IS HEREBY STIPULATED that fees and reimbursement of costs to petitioner and petitioner's attorney in the total amount of Thirty-Two Thousand Sixty-Eight dollars and 35 cents (\$32,068.35), is reasonable and necessary pursuant to 42 U.S.C. § 300aa-15(e). This sum should be made payable to petitioner and his attorney, Anne C. Toale, Esq. In compliance with General Order #9, petitioner's counsel hereby represents that petitioner incurred \$0.00 in out of pocket expenses in proceedings on the petition.

Respectfully submitted,

ATTORNEY OF RECORD FOR  
PETITIONER:

/s/ Anne C. Toale

Anne C. Toale, Esq.

**MAGLIO CHRISTOPHER & TOALE, PA**

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ATTORNEY OF RECORD FOR  
RESPONDENT:

/s/ Lisa Watts

Lisa Watts, Esq.

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Dated: March 21, 2011