

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

*****	*	
BRENDA COOK,	*	
	*	
Petitioner,	*	No. 08-348V
	*	Special Master Christian J. Moran
v.	*	
	*	Filed: July 18, 2011
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	Attorneys' fees and costs; award
	*	in the amount to which respondent
Respondent.	*	does not object.
*****	*	

UNPUBLISHED DECISION¹

Anne C. Toale, Maglio Christopher and Toale, Sarasota, FL, for Petitioner;
Heather L. Pearlman, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Brenda Cook filed her application for attorneys' fees and costs on July 14, 2011. The Court awards the amount to which respondent has not objected.

Ms. Cook claimed that the tetanus-diphtheria-acellular pertussis ("Tdap") vaccine caused an adverse reaction and received compensation based upon the parties' stipulation. Decision, filed March 23, 2011. Because Ms. Cook received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. §300aa-15(e).

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

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 clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

Ms. Cook seeks **\$60,065.95** in attorneys' fees and costs for petitioner's counsel. Additionally, Ms. Cook filed a statement of costs in compliance with General Order No. 9, stating that she incurred **\$137.36** while pursuing this claim. Respondent stated that she had no objection to this application for attorneys' fees and costs.

After reviewing the request, the court awards the following:

1. **A lump sum of \$60,065.95 in the form of a check payable to petitioner's attorney, Anne C. Toale, of the law firm Maglio Christopher and Toale, and petitioner, Brenda Cook, for attorney's fees and costs available under 42 U.S.C. § 300aa-15(e).**
2. **A lump sum of \$137.36 in the form of a check payable to petitioner, Brenda Cook.**

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
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.