

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

SHARON KEMP and JOIE GANT, * No. 09-855V
as parents and natural guardians of * Special Master Christian J. Moran
J.G., a minor, *
 *
Petitioners, * Filed: December 6, 2012
 *
v. *
 *
SECRETARY OF HEALTH * Attorneys' fees and costs; amount to
AND HUMAN SERVICES, * which respondent does not object
 *
Respondent. *

UNPUBLISHED DECISION ON FEES AND COSTS¹

Anne Carrion Toale, Maglio, Christopher & Toale, Sarasota, FL, for Petitioners;
Ann Donohue Martin., U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioners Sharon Kemp and Joie Gant filed an application for attorneys' fees and costs on December 4, 2012. The Court awards the amount to which respondent does not object.

Petitioners claimed that the rotavirus vaccine their son, J.G., received caused him to suffer an adverse reaction and received compensation based upon the parties' stipulation. Decision, filed Sept. 12, 2012. Because petitioners received compensation, they are entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioners seek a total of **\$36,295.00** in attorneys' fees and costs for petitioners' counsel. Additionally, petitioners filed a statement of costs in compliance with General Order No. 9, stating that they incurred no litigation expenses while pursuing this claim. Petitioners state that the firm of Maglio, Christopher & Toale, paid all costs and expenses associated with the

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

prosecution of the claim. Respondent stated that she had no objection to this application for attorneys' fees and costs.

After reviewing the request, the court awards a check made payable to petitioners and petitioners' attorney in the amount of **\$36,295.00** for attorneys' fees and other litigation costs. 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.