

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

SUSAN O'NEILL,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 11-27V

Special Master Christian J. Moran

Filed: May 2, 2013

Attorneys' fees and costs; stipulation of
fact; award in the amount to which
respondent does not object

UNPUBLISHED DECISION ON FEES AND COSTS¹

Diana L. Stadelnikas, Maglio Christopher and Toale, Sarasota, FL, for Petitioner;
Jennifer L. Reynaud, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner, Susan O'Neill, filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter on April 30, 2013. Previously, Ms. O'Neill informally submitted a draft application for attorneys' fees and costs to respondent for review. During informal discussions, respondent raised objections to certain items in petitioner's draft application. Based on these discussions, petitioner amended her application to request reimbursement in the amount of \$23,250.00. Respondent does not object to this amended request. The court awards this amount.

Ms. O'Neill filed for compensation alleging that she was injured by the influenza vaccine she received on September 18, 2009. Ms. O'Neill received compensation based upon the parties' stipulation. Decision, filed Apr. 16, 2013. Because Ms. O'Neill received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Ms. O'Neill seeks a total of **\$23,250.00** in attorneys' fees and costs for her counsel. Additionally, in compliance with General Order No. 9, Ms. O'Neill represents that she incurred

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.

no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the court awards a check made payable to petitioner and petitioner's attorney in the amount of **\$23,250.00** for attorneys' fees and 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.