

In the United States Court of Federal Claims

No. [redacted] V

Originally issued: March 30, 2009

Reissued redacted: January 5, 2010

Not for Publication

CHILD DOE 53, *
by and through JOHN and JANE DOE 53, *
as parents and natural guardians, *

Petitioners, *

Attorneys' Fees and Costs

v. *

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On March 26, 2009, the parties filed the attached Stipulation of Fact for Attorney's Fees and Costs. The parties have stipulated to an overall total of **\$42,345.73**, representing **\$23,769.50** in attorneys' fees and **\$18,279.73** in litigation costs. In accordance with General Order #9, petitioner stated that she has incurred **\$296.50** in personal costs.

In accordance with the terms of the attached stipulation, the clerk shall enter judgment

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Because this decision contains a reasoned explanation for the special master's action in this case, the special master 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, 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. Petitioners moved to redact the decision on January 5, 2010, and the undersigned has granted petitioners' motion.

for **\$42,345.73**, and shall direct the award be in the form of one check for **\$42,049.23**, made jointly payable to petitioner and Ms. Anne C. Toale, and one check for **\$296.50**, made payable to petitioner.

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.²

IT IS SO ORDERED.

Dated: March 30, 2009

/s/ Laura D. Millman

Laura D. Millman
Special Master

In compliance with General Order #9, petitioner's counsel hereby represents that of this amount, petitioner has incurred out-of-pocket expenses in the amount of Two Hundred Ninety-Six and 50/100 Dollars (**\$296.50**) in proceeding on the petition in this case (see attached).

Respectfully Submitted,

ATTORNEY OF RECORD FOR
PETITIONER:

ATTORNEY OF RECORD FOR
RESPONDENT:

/s/ Anne C. Toale

Anne C. Toale, Esq.

Florida Bar Number 948659

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/s/ Darryl R. Wishard

Darryl R. Wishard, Esq.

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U.S. Department of Justice

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Washington DC 20044-0146

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Dated: March 26, 2009

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

[REDACTED]
by and through [REDACTED]
[REDACTED],
as parents and natural guardians,

Petitioner,

vs.

CASE NO. [REDACTED]
Special Master Laura D. Millman

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

STATEMENT REGARDING CLIENT COSTS

I, [REDACTED], certify that I have incurred \$~~296.50~~ in litigation costs in furtherance of this claim, as evidenced by the attached receipts.

Signed: [REDACTED]

Dated: 3-17-2009