

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 05-556V

Filed: August 24, 2009

Not for publication

PATRICK W. MULVANEY, *
As Guardian of the Property, of *
DANIEL C. MULVANEY, *

Petitioner, *

v. *

Attorney's Fees and Costs
based on a stipulation

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

Respondent. *

Anne C. Toale, Sarasota, FL, for petitioner.
Glenn MacLeod, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEY'S FEES AND COSTS¹

On August 21, 2009, the parties filed the attached stipulation, in which they resolved the outstanding attorney's fees and costs in this case and described the settlement terms. In accordance with General Order # 9, petitioner states that he incurred **\$636.06** in personal

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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.

expenses.

The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards a total of **\$108,467.00**, representing reimbursement for litigation costs incurred in this proceeding. The award shall be in the form of one check made jointly payable to petitioner and Anne C. Toale in the amount of **\$107,830.94**, and one check made payable to petitioner in the amount of **\$636.06**.

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: August 24, 2009

/s/ Laura D. Millman

Laura D. Millman
Special Master

² 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.

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OFFICE OF SPECIAL MASTERS

PATRICK W. MULVANEY,
As Guardian of the Property, of
DANIEL C. MULVANEY

Petitioner,

vs.

CASE NO. 05-556V
Special Master: Laura D. Millman

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

STIPULATION FOR ATTORNEY'S FEES AND COSTS

WHEREFORE, IT IS HEREBY STIPULATED by and between the parties that fees and reimbursement of litigation costs in the total amount of One Hundred Eight Thousand Four Hundred Sixty-Seven and 00/100 Dollars (\$108,467.00) for the firm of Maglio, Christopher Toale and Pitts is reasonable and was necessarily incurred by petitioner in furtherance of the petition, and that said amount of compensation should be made payable jointly to petitioner and petitioner's attorney of record pursuant to 42 U.S.C. § 300aa-15(e). In compliance with General Order #9, petitioner's counsel hereby represents that of this amount, petitioner has incurred \$636.06 in travel expenses in this case.

Respectfully Submitted,

ATTORNEY OF RECORD FOR
PETITIONER:

/s/ Anne C. Toale
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ATTORNEY OF RECORD FOR
RESPONDENT:

/s/ Glenn MacLeod
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Dated: August 21, 2009