

**In the United States Court of Federal Claims**

**OFFICE OF SPECIAL MASTERS**

No. 11-112V

Filed: December 28, 2012

*****		NOT TO BE PUBLISHED
JANICE INCZE, natural mother and	*	
Administrator of the estate of	*	<b>Special Master Zane</b>
Decedent, KRISTINA INCZE,	*	
	*	
Petitioner,	*	
	*	Stipulation; attorneys’ fees and costs
v.	*	
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
	*	

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*Carol L. Gallagher, Gallagher & Gallagher Law Firm LLC, Somers Point, NJ, for Petitioner*  
*Debra A. Filteau Begley, United States Dep’t of Justice, Washington, DC, for Respondent*

**UNPUBLISHED DECISION ON ATTORNEYS’ FEES AND COSTS<sup>1</sup>**

On December 27, 2012, the parties in the above-captioned case filed a Stipulation of Attorneys’ Fees and Costs (“Stipulation”) memorializing their agreement as to the appropriate amount of attorneys’ fees and costs in this case. After informal discussions with Respondent, Petitioner requests a total award of \$48,545.00. In accordance with General Order #9, Petitioner’s counsel represents that Petitioner incurred personal litigation costs in the amount of \$45.00. The remainder, \$48,500.00, represents attorneys’ fees and costs. In accordance with 42 U.S.C. § 300aa-15(e), the undersigned awards the amount to which Respondent does not object.

Petitioner, as the natural mother of her daughter and administrator of the estate of the decedent, Kristina Incze, alleges that Kristina Incze suffered from Weston Hurst disease, Acute Disseminated Encephalomyelitis (“ADEM”), juvenile Amyotrophic Lateral Sclerosis (“ALS”)

<sup>1</sup> The undersigned intends to post this decision on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, the entire ruling will be available to the public. Id.

and/or a chronic progressive demyelinating encephalitis as a consequence of her receipt of the Human Papillomavirus (“HPV”) vaccine, a vaccine which is contained in the Vaccine Injury Table, 42 C.F.R § 100.3(a), and which she received on or about April 8, 2008 and June 12, 2008. Petitioner alleges that decedent died as a result of her injuries. A decision awarding compensation based upon the parties’ stipulation was entered on November 19, 2012.

Although Respondent did not concede the claim, the parties, nonetheless, settled the matter, and an award of compensation was made. Because Petitioner has been awarded compensation, Petitioner is entitled to an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300aa-15(e). The undersigned also finds that the stipulated amount of \$ 48,500.00, in attorneys’ fees and costs, and \$45.00 in fees incurred personally by Petitioner, are reasonable based on the stage at which this matter was settled. Based on the request’s reasonableness and pursuant to Vaccine Rule 13, the undersigned **GRANTS** the parties’ request as outlined in the Stipulation. The judgment shall reflect that Petitioner is awarded attorneys’ fees and costs as follows:

**in a check made payable jointly to Petitioner (Janice Incze, as administrator of the estate of decedent, Kristina Incze) and Petitioner’s counsel (Carol Gallagher, Gallagher & Gallagher Law Firm LLC), the amount of \$ 48,500.00; and**

**in a check made payable to Petitioner (Janice Incze, as administrator of the estate of decedent of Kristina Incze), the amount of \$45.00 .**

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Daria Zane  
Daria J. Zane  
Special Master

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<sup>2</sup> 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.