

Petitioner, Brian Tite, alleged that he suffered from Guillain-Barre Syndrome (“GBS”) as a consequence of his receipt of the influenza (“flu”) vaccine, which is a vaccine contained in the Vaccine Injury Table, 42 C.F.R § 100.3(a), and which he received on or about September 10, 2010. Petitioner also alleged that he experienced the residual effects of this injury for more than six months and that he has not otherwise received compensation for such injuries. A decision awarding compensation based upon the parties’ stipulation was entered on February 27, 2013.

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 \$30,000.00, in attorneys’ fees and costs, is 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 Petitioners are awarded attorneys’ fees and costs as follows:

in a check made payable jointly to Petitioner (Brian Tite) and Petitioner’s counsel (Isaiah Richard Kalinowski of the law firm Maglio Christopher and Toale), the amount of \$30,000.00, pursuant to 42 U.S.C. § 300aa-15(e). The check for attorneys’ fees and costs shall be mailed directly to the main office of Maglio Christopher and Toale, located at 1605 Main Street, Suite 710, Sarasota, Florida 34236.

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.²

IT IS SO ORDERED.

s/ Daria Zane
Daria J. Zane
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.