

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-635V

Filed: November 20, 2012

WILLIAM WERNER,	*	NOT TO BE PUBLISHED
	*	
Petitioner,	*	Special Master Zane
	*	
v.	*	Stipulation; attorneys' fees and costs
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
	*	

Diana Stadelnikas, Esq., Maglio, Christopher & Toale, P.A., Sarasota, FL, for Petitioner
Heather Pearlman, United States Dep't. of Justice, Washington, DC, for Respondent

UNPUBLISHED DECISION ON ATTORNEYS' FEES AND COSTS¹

On November 20, 2012, the parties in the above-captioned case filed a Stipulation of Facts Concerning 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 \$ 20,060.99. In accordance with General Order #9, Petitioner's counsel represents that Petitioner incurred no personal litigation costs. In accordance with 42 U.S.C. § 300aa-15(e), the undersigned awards the amount to which Respondent does not object.

Petitioner alleges that he suffered Guillain-Barré Syndrome ("GBS") that was caused in fact by his receipt of the influenza ("flu") vaccine which he received on or about October 1, 2010. A decision awarding compensation based upon the parties' stipulation was entered on November 19, 2012.

¹ 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.

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 \$20,060.99, 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 (William W. Werner) and Petitioner's counsel (Diana Stadelnikas, Esq., Maglio, Christopher & Toale, P.A.), in the amount of \$20,060.99.

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.