

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-833 V

Filed: February 15, 2011

Not for Publication

CHANTELLE MARCELLO,

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Petitioner,

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Attorneys' Fees and Costs

v.

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Based on Stipulation

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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Respondent.

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Diana Lynn Stadelnikas, Sarasota, FL, for petitioner.

Debra A. Filteau Begley, Washington, D.C., for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On February 14, 2010, the parties filed the attached stipulation, in which they agreed to settle the attorneys' fees and costs in this case. In accordance with the General Order #9 requirements, petitioner states she incurred no costs to pursue her petition.

The court hereby adopts the parties' said stipulation, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards a total of **\$8,358.37**, representing reimbursement for **\$6,765.00** in Attorneys' Fees and **\$1,593.37** in

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub.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

Attorneys' Costs. The award shall be in the form of one check made jointly payable to petitioner and the law firm Maglio, Christopher & Toale, PA in the amount of **\$8,358.37**.

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: February 15, 2011

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.

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

CHANTELLE MARCELLO,

Petitioner,

vs.

CASE NO. 09-833V
Special Master Millman

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

STIPULATION OF FACT
FOR ATTORNEY'S FEES AND COSTS

WHEREFORE, IT IS HEREBY STIPULATED that attorney's fees in the amount of Six Thousand Seven Hundred Sixty-five and 00/100 (\$ 6,765.00) and reimbursement of costs in the amount of One Thousand Five Hundred Ninety-three and 37/100 (\$ 1,593.37) to petitioner and petitioner's attorney for a combined total amount of Eight Thousand Three Hundred Fifty-eight and 00/100 (\$8,358.37), is reasonable and necessary pursuant to 42 U.S.C. § 300aa-15(e). This sum should be made payable to petitioner and her attorney, Diana L. Stadelnikas, Esq.. In compliance with General Order #9, petitioner's counsel hereby represents that petitioner incurred \$0.00 in out of pocket expenses in proceedings on the petition.

Respectfully submitted,

ATTORNEY OF RECORD FOR
PETITIONER:

ATTORNEY OF RECORD FOR
RESPONDENT:

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Dated: February 14, 2011