

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 09-552V

Filed: March 29, 2013

\*\*\*\*\* NOT TO BE PUBLISHED  
GISELE BEAUCHAMP, as personal \*  
representative of the Estate of ROGER \*  
BEAUCHAMP, \*  
\* **Special Master Zane**  
\*  
\* Stipulation; attorneys' fees and costs  
Petitioners, \*  
\*  
\*  
v. \*  
\*  
SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*  
\*  
Respondent. \*  
\*

\*\*\*\*\*  
*Diana Lynn Stadelnikas*, Maglio Christopher and Toale, Sarasota, FL, for Petitioner;  
*Lisa Ann Watts*, United States Dep't of Justice, Washington, DC, for Respondent.

### **UNPUBLISHED DECISION ON ATTORNEYS' FEES AND COSTS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

On March 27, 2013, 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,

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<sup>1</sup> Because this decision contains a reasoned explanation for the Special Master's action in this case, the Special Master intends to post it 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, 113 Stat. 2899, 2913 (Dec. 17, 2002). All decisions of the Special Master will be made available to the public unless they contain trade secret or commercial or financial information that is privileged and confidential, or medical or similar information the disclosure of which would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to redact such information before 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 redact such material from public access. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b). In the absence of a motion or should the Special Master disagree with the proposed redactions, the decision shall be disclosed in its entirety.

Petitioner requests a total award of \$57,266.44. Petitioner's counsel represents that Petitioner has not incurred 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, as legal representative of decedent, Roger Beauchamp, alleged that decedent had a pre-existing case of Guillain-Barre syndrome ("GBS"), which was significantly aggravated by his receipt of the influenza vaccine ("flu vaccine"), causing him additional neurologic injuries, to include transverse myelitis ("TM"). A decision awarding compensation based upon the parties' stipulation was entered on January 16, 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 \$57,266.44, 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 Petitioner is awarded attorneys' fees and costs as follows:

**in a check made payable jointly to Gisele Beauchamp, as personal representative of the Estate of Roger Beauchamp and Petitioner's counsel (Diana Lynn Stadelnikas, of the law firm Maglio Christopher and Toale), the amount of \$57,266.44. The Court directs that this payment should be sent directly to Petitioner's counsel's office 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.<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.