

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-307V

Filed: June 19, 2012

ELIZABETH JASNOSZ,

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Petitioner,

*

Special Master Zane

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v.

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Attorneys' fees and costs Decision
based on Stipulation

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Isaiah R. Kalinowski, Maglio, Christopher & Toale, P.A., Sarasota, FL, for Petitioner;
Heather L. Pearlman, United States Dep't of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On June 15, 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. Pursuant to the stipulation of the parties, Petitioner requests a total award of attorneys' fees and costs in the amount of \$17,711.13. In accordance with General Order #9, Petitioner states that she did not incur any personal litigation costs. In accordance with 42 U.S.C. §§ 300aa-15(b) and (e)(1), the undersigned hereby awards this amount to which Respondent does not object.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the undersigned intends to post it on the United States Court of Federal Claims's website, 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)). Vaccine Rule 18(b) provides that all decisions of the special masters will be made available to the public unless they contain (1) trade secret or commercial or financial information that is privileged or confidential, or (2) medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, the parties have 14 days to identify and move to redact such information prior to the document's disclosure to the public. If the special master, upon review, agrees that the identified material should be redacted, the special master shall redact such information from the public access version of the decision. Otherwise, the entire decision shall be made available for review by the public. Id.

Petitioner, Elizabeth Jasnosz, alleged that she contracted Guillain-Barre syndrome (GBS) as a result of her receipt of the influenza vaccine that she received on September 10, 2010, and which vaccine is contained in the Vaccine Injury Table, 42 C.F.R § 100.3(a). A decision awarding compensation based upon the parties' stipulation was entered on April 16, 2012.

Although Respondent did not concede the claim, the parties, nonetheless, settled the matter, and an award of compensation was made. The undersigned finds that the stipulated amount of \$17,711.13, in attorneys' fees and costs is reasonable based on the stage at which this matter was settled. Based on the stipulated request's reasonableness and pursuant to Vaccine Rule 13, the undersigned **GRANTS** Petitioner's counsel's request for fees and costs to which Respondent has acquiesced. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

in a check made payable jointly to Petitioner (Elizabeth Jasnosz) and Petitioner's counsel (Isaiah Kalinowski, of Maglio, Christopher & Toale, P.A.), in the amount of \$17,711.13.

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 that they are not seeking review of this decision by a United States Court of Federal Claims judge.

Respectfully submitted,

s/ Isaiah Kalinowski
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DATED: June 15, 2012