

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 12-128V

Filed: May 15, 2013

NOT TO BE PUBLISHED

JANET P. ROSE,

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Special Master Zane

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Stipulation; attorneys' fees and costs

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Petitioner,

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v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Howard Scott Gold, Gold Law Firm, Wellesley Hills, MA, for Petitioner

Tara J. Kilfoyle, United States Dep't of Justice, Washington, DC, for Respondent

UNPUBLISHED DECISION ON ATTORNEYS' FEES AND COSTS¹

On May 14, 2013, the parties in the above-captioned case filed a Stipulation of Facts Concerning Final Attorneys' Fees and Costs ("Stipulation") memorializing their agreement as to the appropriate amount of attorneys' fees and costs in this case. Petitioner requests a total award

¹ 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 whose disclosure 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. Absent a timely motion to redact, the decision will be made available to the public in its entirety. If the Special Master, upon review of a timely-filed motion, agrees that the identified material fits within the categories listed above, the Special Master shall redact such material from the decision made available to the public. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

of \$16,424.56, to which Respondent does not object. 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, Janet P. Rose, alleged that she suffered from Guillain-Barre Syndrome ("GBS") as a consequence of her 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 she received on or about November 9, 2010. Petitioner also alleged residual effects of this injury for more than six months and that she has not otherwise received compensation for such injuries. A decision awarding compensation based upon the parties' stipulation was entered on May 13, 2013.

Although Respondent did not concede the claim, the parties, nonetheless, settled the matter, and an award of compensation was made. Because Petitioner had 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 \$16,424.56, 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 Petitioner (Janet P. Rose) and Petitioner's counsel (Howard Scott Gold of the Gold Law Firm), the amount of \$16,424.56, pursuant to 42 U.S.C. § 300aa-15(e).

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.