IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS
No. 12-287V
Filed: August 16, 2013

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███████████████████                        *
                                           *
                    Petitioner,            *
        v.                                 *      Stipulation; Influenza; Guillain-Barré
                                           *      Syndrome; GBS; Attorney Fees and Costs
SECRETARY OF HEALTH                        *
AND HUMAN SERVICES,                        *
                                           *
                    Respondent.            *
* * * * * * * * * * * * * * * * * * * * * * * * * *
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Anne Carrión Toale, Esq. Maglio Christopher and Toale, Sarasota, FL for petitioner.
Melonie McCall, Esq., U.S. Dept. of Justice, Washington, DC for respondent.

DECISION ON JOINT STIPULATION[1]

Vowell, Special Master:

████████████ ["petitioner"] filed a petition for compensation under the National Vaccine Injury Compensation Program[2] on May 4, 2012. Petitioner alleges that he developed Guillain-Barré syndrome ["GBS"] as a result of an influenza vaccination he received on October 21, 2011, and he further alleges that he experienced residual effects of this injury for more than six months. See Stipulation, filed Aug. 15, 2013, at ¶¶ 2, 4. Respondent denies that petitioner's influenza vaccine caused him to suffer from GBS or any other injury. Stipulation at ¶ 6.

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[1] Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

[2] National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

Nevertheless, the parties have agreed to settle the case. On August 15, 2013, the parties filed a joint stipulation agreeing to settle this case and describing the settlement terms.

Respondent agrees to pay petitioner:

A lump sum of $150,000.00 in the form of a check payable to petitioner, ████████. This amount represents compensation for all damages that would be available under § 300aa-15(a).

The special master adopts the parties' stipulation attached hereto, and awards compensation in the amount and on the terms set forth therein.

Additionally, on August 15, 2013, the parties filed a joint stipulation of fact addressing attorney fees and costs. I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to §§ 15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, I hereby award the total of $20,052.84[3] as follows:**

- **a lump sum of $20,037.84 in the form of a check payable jointly to petitioner and petitioner's counsel of record, Anne Carrión Toale, for petitioner's attorney fees and costs, and**

- **a lump sum of $15.00 in the form of a check payable to petitioner, ████████, for his personal litigation costs.**

The clerk of the court is directed to enter judgment in accordance with this decision.[4]

IT IS SO ORDERED.

s/ Denise K. Vowell
Denise K. Vowell
Special Master

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[3] This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, § 15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. *See generally Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir.1991).

[4] Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.