

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 12-277V

(E-Filed: May 5, 2014)

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GRETA LOWTHER,	*	UNPUBLISHED
	*	
Petitioner,	*	Special Master
	*	Hamilton-Fieldman
v.	*	
	*	Decision on Attorneys' Fees and Costs.
SECRETARY OF HEALTH AND	*	
HUMAN SERVICES,	*	
	*	
Respondent.	*	.

\* \* \* \* \*

Anne Toale, Maglio, Christopher & Toale, Sarasota, FL, for Petitioner.

Gordon Shemin, United States Department of Justice, Washington, DC, for Respondent.

### **DECISION<sup>1</sup> (ATTORNEY FEES AND COSTS)**

In this case under the National Vaccine Injury Compensation Program,<sup>2</sup> the undersigned issued a decision on April 8, 2014. On May 5, 2014, the parties filed a stipulation concerning attorneys' fees and costs in this matter. The parties' stipulation requests a total payment of \$22,657.05, representing attorneys' fees and costs. Pursuant to General Order #9, Petitioner stated that she has not incurred any costs in pursuit of this claim.

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<sup>1</sup> The undersigned intends 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)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Otherwise, "the entire" decision will be available to the public. *Id.*

<sup>2</sup> The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

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 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, I hereby award the total \$22,657.05, as a lump sum in the form of a check payable jointly to Petitioner and Petitioner's counsel, Anne Carrion Toale, Esq.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.

**IT IS SO ORDERED.**

s/Lisa D. Hamilton-Fieldman  
Lisa D. Hamilton-Fieldman  
Special Master