In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 12-542V

Filed: April 20, 2015

* * * * * * * * * * * * * * * * * * * *	UNPUBLISHED
WAYNE STRAHAN, *	
*	Special Master Gowen
Petitioner, *	
*	Joint Stipulation;
v. *	Attorneys' Fees and Costs;
*	
SECRETARY OF HEALTH *	
AND HUMAN SERVICES, *	
*	
Respondent. *	
*	
* * * * * * * * * * * * * * * * * * * *	

Franklin J. Caldwell, Jr., Maglio, Chirstopher & Toale, Sarasota, FL, for petitioner.
Michael P. Milmoe, United States Department of Justice, Washington, DC, for respondent.

DECISION ON ATTORNEYS' FEES AND COSTS[1]

On August 27, 2012, Wayne Strahan ("petitioner") filed a petition pursuant to the National Vaccine Injury Compensation Program.[2] 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that as a result of receiving an influenza ("flu") vaccine on September 13, 2010, he developed Guillain-Barré Syndrome ("GBS"). Petition at ¶ 1, 3. On December 23, 2014, the parties filed a stipulation in which they agreed to an award of compensation to petitioner. On December 24, 2014, the undersigned issued a Decision adopting the parties' stipulation for an award. See Decision on

[1] Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling 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, § 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 a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

[2] The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

J. Stip., filed Dec. 24, 2014.

On April 20, 2015, the parties filed a stipulation concerning attorneys' fees and costs. Petitioner requests a total award of attorneys' fees and costs in the amount of $21,750.00. Stip. for Fees and Costs ¶ 3. Respondent does not object. Id. at ¶ 5. In accordance with General Order #9, petitioner represents that he did not incur any reimbursable costs in pursuit of this claim. Id. at ¶ 4.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of the parties' stipulation, the undersigned **GRANTS** the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

(1) in the form of a check jointly payable to petitioner and to petitioner's attorney, Franklin J. Caldwell, Jr., of Maglio, Christopher & Toale, P.A., in the amount of $21,750.00.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance herewith.[3]

IT IS SO ORDERED.

s/ Thomas L. Gowen
Thomas L. Gowen
Special Master

[3] Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.