

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 12-611V

(Not to be published)

GRETCHEN GUERRERO,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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Filed: March 27, 2014

Decision by Stipulation; Attorney's
Fees & Costs

Neal J. Fialkow, Pasadena, CA, for Petitioner

Claudia B. Gangi, Washington, DC, for Respondent

ATTORNEYS' FEES AND COSTS DECISION¹

On September 17, 2012, Petitioner filed a petition seeking compensation under the National Vaccine Injury Compensation Program ("the Vaccine Program"). On August 8, 2013, the parties filed a stipulation detailing an amount to be awarded to Petitioner. The special master previously assigned to this case subsequently issued a decision finding the parties' stipulation to be reasonable and granting Petitioner the award outlined by the stipulation.

¹ Because this decision contains a reasoned explanation for my action in this case, I will 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 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the published decision's inclusion of certain kinds of confidential information. To do so, Vaccine Rule 18(b) permit each party 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). Otherwise, the decision will be available to the public. Id.

On March 27, 2014, counsel for both parties filed another joint stipulation, this time in regards to attorneys' fees and costs. The parties have stipulated that Petitioner's counsel should receive a lump sum of \$23,625.54 in the form of a check payable to Petitioner and Petitioner's counsel. This amount represents a sum to which Respondent does not object. In accordance with General Order #9, the stipulation includes a statement that Petitioner incurred no reimbursable costs in pursuit of his claim.

I approve the requested amount for attorneys' fees and costs as reasonable. Accordingly, an award should be made in the form of a check in the amount of \$23,625.54 payable jointly to Petitioner and Petitioner's counsel, Neal J. Fialkow. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.²

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.