

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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ANGELA ZUNIGA,	*	No. 13-08V
	*	Special Master Christian J. Moran
Petitioner,	*	
v.	*	Filed: May 5, 2014
	*	
SECRETARY OF HEALTH	*	Attorneys' fees and costs; stipulation
AND HUMAN SERVICES,	*	of fact; award in the amount to which
	*	respondent does not object
Respondent.	*	
	*	

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Danielle Strait, Maglio, Christopher & Toale, PA, Sarasota, FL, for Petitioner;  
Ann Martin, U.S. Dep't of Justice, Washington, DC, for Respondent.

### **UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>**

On April 29, 2014, respondent filed a joint stipulation concerning final attorneys' fees and costs in the above-captioned matter. Previously, Ms. Zuniga informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended her application to request \$18,500.00, an amount to which respondent does not object. The Court awards this amount.

Petitioner filed for compensation alleging that a tetanus-diphtheria-acellular pertussis ("Tdap") vaccination and a measles-mumps-rubella ("MMR") vaccination

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

caused her to suffer Guillain-Barré Syndrome (“GBS”). Petitioner received compensation based upon the parties’ stipulation. Decision, filed April 21, 2014. Because Ms. Zuniga received compensation, she is entitled to an award of attorneys’ fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks \$18,500.00 in attorneys’ fees and costs for petitioner’s counsel. Additionally, petitioner filed a statement of costs in compliance with General Order No. 9, stating that she incurred \$35.00 while pursuing this claim. Respondent stated that she had no objection to this application for attorneys’ fees and costs.

After reviewing the request, the Court awards the following:

- 1. A lump sum of \$18,500.00 in the form of a check payable to petitioner and petitioner’s counsel. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(e).**
- 2. A lump sum of \$35.00 in the form of a check payable to petitioner, Angela Zuniga.**

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.<sup>2</sup>

Any questions may be directed to my law clerk, Marc Langston, at (202) 357-6392.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> 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.