

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 13-84V

Filed: October 7, 2014

* * * * *	UNPUBLISHED
LUANN MORAN,	*
	*
Petitioner,	*
	*
v.	Joint Stipulation;
	Attorneys' Fees and Costs;
	*
SECRETARY OF HEALTH	*
AND HUMAN SERVICES,	*
	*
Respondent.	*
	*
* * * * *	

Diana L. Stadelnikas Sedar, Maglio Christopher & Toale, PA, Sarasota, FL, for petitioner.  
Voris E. Johnson, United States Department of Justice, Washington, DC, for respondent.

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

On January 31, 2013, Luann Moran ("petitioner") filed a petition pursuant to the National Vaccine Injury Compensation Program.<sup>2</sup> 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that as a result of receiving an influenza ("flu") vaccine on November 14, 2011, she developed a shoulder injury related to vaccine administration ("SIRVA"). Petition at ¶¶ 1, 10.

On July 29, 2014, the parties contacted the undersigned's chambers and indicated that

<sup>1</sup> 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).

<sup>2</sup> 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.

they had agreed to settlement terms in this matter. The undersigned ordered respondent to file a signed stipulation of fact regarding settlement by no later than December 29, 2014. On October 6, 2014, the parties filed a stipulation of fact regarding attorneys' fees and costs. Petitioner requests a total award of attorneys' fees and costs in the amount of \$16,000.00. Respondent does not object. In accordance with General Order #9, petitioner's counsel represents that petitioner did not personally incur costs in pursuit of this claim. See General Order #9 Statement, filed Oct. 6, 2014.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). The undersigned finds the stipulation reasonable and adopts it as the decision of the Court in **GRANTING** an award 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, Diana L. Stadelnikas Seder, of Maglio Christopher & Toale, P.A. in the amount of \$16,000.00.**

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.<sup>3</sup>

**IT IS SO ORDERED.**

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

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