

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 13-691V
(Not to be published)

AMERICO E. GAMBO,
as Personal Representative of the Estate of
FRANCES CHAMBERS GAMBO,
deceased,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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Filed: May 20, 2015

Decision by Stipulation; Attorney's
Fees and Costs

Danielle Strait, Maglio Christopher and Toale, PA, Washington, DC, for Petitioner.

Lisa Watts, U.S. Dep't of Justice, Washington, DC, for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

On September 17, 2013, Americo E. Gambo filed a petition, as personal representative of the estate of Frances Chambers Gambo, deceased, seeking compensation under the National Vaccine Injury Compensation Program.² Although Petitioner was unable to locate documentary

¹ Because this decision contains a reasoned explanation for my action in this case, it will be posted 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 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the inclusion of certain kinds of confidential information. To do so, Vaccine Rule 18(b) provides that each party has fourteen (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.*

² The National Vaccine Injury Compensation Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (codified as amended at 42 U.S.C. § 300aa-10 through 34 (2006)) [hereinafter "Vaccine Act" or "the Act"]. Individual sections references hereafter will be to § 300aa of the Act.

proof of vaccination, I found (in a ruling dated December 18, 2014) that Petitioner had established adequate proof of vaccination based on circumstantial evidence. Fact Ruling on Proof of Vaccination (ECF No. 41). Thereafter, on March 12, 2015, the parties filed a stipulation settling the case and detailing the amount to be awarded to Petitioner. I subsequently issued a decision finding the parties' stipulation to be reasonable and granting Petitioner an award as outlined in the stipulation. Decision Awarding Damages, dated Mar. 17, 2015 (ECF No. 47).

On May 14, 2015, the parties filed another stipulation, this time regarding attorney's fees and costs. ECF No. 52. Petitioner requests reimbursement of attorney's fees in the amount of \$27,875.00 and attorney's costs in the amount of \$2,406.77. *Id.* These amounts represent sums to which Respondent does not object. *Id.* In addition, and in compliance with General Order No. 9, Petitioner represent that he has not personally incurred any expenses in litigating this case. Petitioner's Statement Regarding Fees and Costs, dated May 14, 2015 (ECF No. 51).

I approve the requested amount for attorney's fees and costs as reasonable. Accordingly, an award of \$30,281.77 should be made in the form of a check payable jointly to Petitioner and Petitioner's counsel, Danielle A. Strait, Esq. Payment of this amounts represents all attorney's fees and costs available under 42 U.S.C. § 300aa-15(e). 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.³

IT IS SO ORDERED.

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

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.