

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 13-992V
(Not to be published)

DONALD MEMMO,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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Filed: September 4, 2014

Decision by Stipulation; Attorney's
Fees & Costs

Thomas P. Gallagher, NJ, for Petitioner.

Althea Walker Davis, U.S. Dep't of Justice, Washington, D.C., for Respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On December 16, 2013, Donald Memmo filed a petition seeking compensation under the National Vaccine Injury Compensation Program ("the Vaccine Program"). On July 31, 2014, the parties filed a stipulation detailing an amount to be awarded to Petitioner. I 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 posted decision's inclusion of certain kinds of confidential information. Specifically, under 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). Otherwise, the whole decision will be available to the public. (*Id.*)

On September 3, 2014, counsel for both parties filed another joint stipulation, this time regarding attorneys' fees and costs. The parties have stipulated that Petitioner's counsel should receive a lump sum of \$23,205.59, in the form of a check payable to Petitioner and Petitioner's counsel. Additionally, the parties have stipulated that Petitioner should receive a lump sum of \$200.00, in the form of a check payable to Petitioner. These amounts represent sums to which Respondent does not object.

I approve the requested amount for attorneys' fees and costs as well as the requested amount for Petitioner's out-of-pocket expenses as reasonable. Accordingly, an award of \$23,205.59 should be made in the form of a check payable jointly to Petitioner and Petitioner's counsel, Thomas P. Gallagher, Esq.; and an award of \$200.00 should be made in the form of a check payable to Petitioner. 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.