

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

BRUCE MCDONALD,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

*

* No: 14-192V

* Special Master Christian J. Moran

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* Filed: November 18, 2015

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* Attorneys' fees and costs; award
* in the amount to which respondent
* does not object.

*

Anne C. Toale, Maglio, Christopher & Toale, PA, Sarasota, FL, for Petitioner;
Althea W. Davis, United States Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On November 13, 2015, petitioner filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioner 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 his application to request \$19,240.00, an amount to which respondent does not object. The Court awards this amount.

On March 6, 2014, Bruce McDonald filed a petition for compensation alleging that the influenza ("flu") vaccine, which he received on October 27, 2012, caused him to suffer Guillain-Barré Syndrome ("GBS"). Petitioner received compensation based upon the parties' stipulation. Decision, issued July 10, 2015.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this ruling on its website. Pursuant to Vaccine Rule 18(b), the party has 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.

Because petitioner received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$19,240.00** in attorneys' fees and costs for his counsel. Additionally, in compliance with General Order No. 9, petitioner has not incurred any costs in pursuit of the claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

A lump sum of \$19,240.00 in the form of a check made payable to petitioner and petitioner's attorney, Maglio, Christopher & Toale, PA, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Dan Hoffman, at (202) 357-6360.

IT IS SO ORDERED.

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