

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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ANN WOO and *
DAVID SIEVERTSON, *
on behalf of B.W.S., a minor child, *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

* * * * *

Amber D. Wilson, Maglio, Christopher & Toale, Washington, DC, for Petitioners;
Daniel A. Principato, United States Dep't of Justice, Washington, DC, for
Respondent.

No. 16-1679V

Special Master Christian J. Moran

Filed: January 16, 2018

Stipulation; influenza ("flu") vaccine;
Guillain-Barré syndrome ("GBS").

UNPUBLISHED DECISION ON FEES AND COSTS¹

On December 27, 2017, petitioners moved for final attorneys' fees and costs in the above-captioned matter. Petitioners requested reimbursement for attorneys' fees and costs in the amount of **\$26,785.43**, an amount to which respondent does not object. The Court awards this amount.

On December 21, 2016, Ann Woo and David Sievertson filed a petition for compensation alleging that the influenza vaccine, which their child B.W.S. received on October 12, 2015, caused B.W.S. to suffer Guillain-Barré syndrome. The undersigned issued a decision awarding compensation to petitioners based on the parties' joint stipulation. Decision, issued August 25, 2017, 2017 WL 4183427.

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), 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.

Because petitioners received compensation, petitioners are entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e). Petitioners seek a total of \$26,785.43 in attorneys' fees and costs. This includes \$7,375.00 in fees incurred by attorney Johnathan Tuttle for the purposes of establishing a guardianship for B.W.S.'s vaccine injury award. In compliance with General Order No. 9, petitioners state that they incurred \$80.00 in personal costs in pursuit of their claim.

After reviewing the request, the Court awards the following:

- a. A lump sum of \$19,410.43 in the form of a check made payable to petitioners and petitioners' attorney, Amber D. Wilson, of Maglio Christopher and Toale, PA, and be forwarded to Maglio Christopher & Toale, PA, 1605 Main Street, Suite 710, Sarasota Florida 34236; and**
- b. A lump sum of \$7,375.00 in the form of a check made payable to petitioners and Johnathan Tuttle, and be forwarded to Maglio Christopher & Toale, PA, 1775 Pennsylvania Ave. NW, Ste 225, Washington, DC 20006; and**
- c. A lump sum of \$80.00 in the form of a check made payable to petitioners, and be forwarded to Maglio Christopher & Toale, PA, 1775 Pennsylvania Ave. NW, Ste 225, Washington, DC 20006.**

This represents reimbursement for attorneys' fees and other litigation 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 herewith.²

IT IS SO ORDERED.

S/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.