

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. [redacted] V

Originally Filed: December 17, 2010

Filed Redacted: January 12, 2011

Not for publication

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JOHN DOE 83, and \*  
JANE DOE 83, \*  
as parents and natural guardians of, \*  
CHILD DOE 83, \*

Petitioners, \*

Attorneys' Fees and Costs based on stipulation

SECRETARY OF THE DEPARTMENT \*  
OF HEALTH AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

Altom M. Maglio, Sarasota, FL, for petitioners.

Julia W. McInerney, Washington, D.C. for respondent

**MILLMAN, Special Master**

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

On December 17, 2010, the parties filed the attached stipulation, in which they agreed to settle the attorneys' fees and costs in this case and described the settlement terms. Petitioners

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to delete such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

request **\$10,914.70** for attorneys' fees and costs. In accordance with the General Order #9 requirements, petitioners state they incurred no costs to pursue their petition. The court finds the amount requested by petitioners to be reasonable.

The court hereby adopts the parties' said stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards a total of **\$10,914.70**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of one check made jointly payable to petitioners and Maglio Christopher & Toale, P.A. in the amount of **\$10,914.70**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: January 12, 2011

/s/ Laura D. Millman  
Laura D. Millman  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF THE SPECIAL MASTERS

[REDACTED]  
as parents and natural guardians of  
[REDACTED],

Petitioners,

v.

CASE NO. [REDACTED]  
Special Master Millman

SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Respondent.

JOINT STIPULATION ON ATTORNEYS' FEES AND COSTS  
AND MOTION FOR DECISION

After careful consideration and negotiation between Respondent and Petitioner, the parties hereby stipulate to entry of a decision awarding Petitioner attorneys' fees and case costs totaling \$10,914.70.

WHEREFORE the parties to this matter jointly move the Court to enter a decision for payment jointly to Petitioner and the Maglio Christopher & Toale, PA Law Firm the above amount. Respectfully submitted,

/s/ F. John Caldwell Jr.  
F. John Caldwell Jr., Esq.  
FL Bar #85761/NJ Bar #009951994  
NY Bar #2596138  
Attorney for Petitioner  
**Maglio Christopher & Toale, PA**  
1751 Mound Street, Second Floor  
Sarasota, FL 34236  
1455 Pennsylvania Avenue, NW, Suite 400  
Washington, DC 20004  
888-952-5242

/s/Julia McInerny  
Julia McInerny, Esq.  
Attorney for Respondent  
**United States Department of Justice**  
Torts Branch, Civil Division  
Post Office Box 146  
Benjamin Franklin Station  
Washington, D.C. 20044-0146  
202-353-3919

Dated: December 17, 2010

IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF THE SPECIAL MASTERS

[REDACTED]  
as parents and natural guardians of  
[REDACTED]

Petitioners,

v.

CASE NO. [REDACTED]  
Special Master Millman

SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Respondent.

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STATEMENT REGARDING GENERAL ORDER #9

The Petitioners state that while represented by Maglio Christopher & Toale Law Firm,  
they did not incur costs related to the litigation of this matter.

/s/ F. John Caldwell  
F. John Caldwell, Esq.  
**MAGLIO CHRISTOPHER & TOALE**  
1751 Mound Street, Second Floor  
Sarasota, Florida 34236  
941.952.5242  
fax 941.952.5042  
Attorney for the Petitioners

[REDACTED]  
[REDACTED]  
[REDACTED]  
Dated: 12/15/10