

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

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JANE and RONALD VANOOST, \*
as Parents and Natural Guardians of \*
R.V., \*

Petitioner, \*

v. \*

SECRETARY OF HEALTH \*
AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

No. 10-516V
Special Master Christian J. Moran

Filed: March 27, 2012
Reissued: April 12, 2012

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

UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>

Anne C. Toale, Maglio Christopher and Toale, Sarasota, FL, for Petitioners;
Darryl R. Wishard, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioners Jane and Ronald Vanoost, as the parents and natural guardians of their son,
R.V., filed an application for attorneys' fees and costs on March 22, 2012. The Court awards the
full amount of costs requested by petitioners.

The Vanoosts claimed that the tetanus-diphtheria-acellular pertussis and Menactra
vaccines caused R.V. an adverse reaction and received compensation based upon the parties'
stipulation. Decision, filed July 8, 2011. Because the Vanoosts received compensation, they are
entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

The Vanoosts seek a total of \$12,870.82 in attorneys' fees and costs for petitioner's
counsel. Respondent stated that she has no objection to an award of \$11,000.00 in attorneys'

<sup>1</sup> When this decision was originally issued, the parties were notified that the decision
would be posted in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116
Stat. 2899, 2913 (Dec. 17, 2002). The parties were also notified that they may seek redaction
pursuant to 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b). Petitioners made a timely
request for redaction and this decision is being reissued with the name of the minor child
redacted to initials.

fees and costs. Respondent stated that she does object to an award of \$1,870.82 that petitioners have requested in guardianship costs.

After reviewing the request, the court awards a check made payable to petitioner and petitioner's attorney in the amount of **\$12,870.82** for attorneys' fees and other litigation costs. Special masters have found that guardianship costs are compensable under the program. See Cansler ex rel. Cansler v. Sec'y of Health & Human Servs., No. 09-596V, 2011 WL 597791, at \*1-3 (Fed. Cl. Spec. Mstr. Feb. 2, 2011); see also Ceballos ex rel. Ceballos v. Sec'y of Health & Human Servs., No. 99-97V, 2004 WL 784910, at \*19-22 (Fed. Cl. Spec. Mstr. Mar. 24, 2004). The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

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

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.