

OFFICE OF SPECIAL MASTERS

No. 02-744V

Filed: June 26, 2006

unpublished¹

Marcello Vanino, by his mother and next
friend, TAMEKA MONTALVO,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

Stipulation;
Vaccine Act Attorneys' Fees

DECISION

HASTINGS, Special Master.

This is an action seeking an award under the National Vaccine Injury Compensation Program (see 42 U.S.C. § 300aa-10 *et seq.*²) on account of an injury suffered by Marcello Vanino.

On June 23, 2006, counsel for both parties filed a Stipulation, stipulating that a decision should be entered granting compensation. The parties have stipulated that petitioner shall receive the following compensation:

- A lump sum of \$ 100,000.00, in the form of a check payable to petitioner.

In addition, the petitioner has filed a claim for attorney's fees and costs in the total amount of \$10,177.38, and respondent's counsel has notified my office by telephone that

¹This document will not be sent to electronic publishers as a formally "published" opinion. However, because this document contains a reasoned explanation for my action in this case, I intend to post this document on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Therefore, each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, this entire document will be available to the public. *Id.* See also 42 U.S.C. § 300aa-12(d)(4)(B).

²The applicable statutory provisions defining the Program are found at 42 U.S.C. § 300aa-10 *et seq.* (2000 ed.). Hereinafter, for ease of citation, all "\$" references will be to 42 U.S.C. (2000 ed.).

respondent has no objection to that claim. Accordingly, petitioner shall *also* receive:

- A lump sum of \$ 10,177.38, in the form of a check payable to petitioner and petitioner's attorney, Ronald C. Homer, on account of her attorneys' fees and costs.

Under the statute governing the Program, as well as the "Vaccine Rules" adopted by this court, the special master must now enter a decision endorsing that stipulation, and the clerk must enter judgment, in order to authorize payment of the award. See § 300aa-12(d)(3)(A) and (e)(3); § 300aa-13(a); Vaccine Rules 10(a), 11(a). I have reviewed the file, and based on that review, I conclude that the parties' stipulation appears to be an appropriate one. Accordingly, my decision is that a Program award shall be made to petitioner in the amounts set forth above. In the absence of a timely-filed motion for review of this Decision, the clerk shall enter judgment in accordance herewith.

George L. Hastings, Jr.
Special Master