

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-442V

Filed: February 24, 2014

JEFFREY ALBERT DEMCHUK,

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UNPUBLISHED

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Special Master Dorsey

Petitioner,

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Trivalent Influenza (Flu) Vaccine;

v.

*

Guillain-Barre Syndrome (GBS);

*

Chronic Inflammatory

*

Demyclinating Polyneuropathy

SECRETARY OF HEALTH

*

(CIDP); Attorneys' Fees and Costs;

AND HUMAN SERVICES,

*

Reasonable Amount

*

Requested to Which Respondent

Respondent.

*

Does Not Object.

Diana L. Stadelnikas Sedar, Maglio Christopher and Toale, PA, Sarasota, FL, for petitioner.

Lisa Ann Watts, U.S. Department of Justice, Washington, D.C., for respondent.

DECISION ON ATTORNEYS' FEES AND COSTS¹

On July 8, 2010, Jeffrey Albert Demchuk (petitioner) filed a petition pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioner alleged that he sustained he sustained Guillain-Barre Syndrome ("GBS") and/or Chronic Inflammatory Demyclinating Polyneuropathy ("CIDP") as a result of a trivalent influenza ("flu") vaccine he received on or about September 26, 2009. On December 13, 2013, a

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2012)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

decision awarding compensation to petitioner based on the parties' stipulation was entered.

On February 21, 2014, petitioner filed a stipulation in which the parties stipulate to an award to petitioner of attorneys' fees and costs in the amount of \$34,300.00. In accordance with General Order #9, petitioner's counsel represents that petitioner has not incurred any out-of-pocket expenses in pursuing his petition.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of the parties' stipulation, the undersigned **GRANTS** the request for approval and payment of attorneys' fees and costs.

Accordingly, an award should be made as follows:

A lump sum of \$34,300.00, in the form of a check jointly payable to petitioner and to Ms. Diana L. Stadelnikas Sedar of the law firm of Maglio Christopher & Toale, P.A.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/ Nora Beth Dorsey
Nora Beth Dorsey
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.