

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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BETHANY BLAGA,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 13-654V

Special Master Moran

Filed: February 12, 2016

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

Amber D. Wilson, Maglio, Christopher & Toale, PA, Sarasota, FL, for petitioner;  
Traci R. Patton, United States Dep't of Justice, Washington, DC, for respondent.

### UNPUBLISHED DECISION ON FEES AND COSTS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

On January 18, 2016, petitioner filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioner informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended her application to request \$75,648.72 for attorneys' fees and costs incurred by petitioner's counsel. The Court awards this amount.

On September 9, 2013, Bethany Blaga filed a petition for compensation, alleging that the influenza ("flu") vaccine, which she received on or about September 21, 2012, caused development of acute demyelinating encephalomyelitis ("ADEM"). Petitioner received compensation based upon the parties' stipulation. Decision, issued September 24, 2015. Because petitioner

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<sup>1</sup> 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.

received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$75,648.72** in attorneys' fees and costs. Additionally, in compliance with General Order No. 9, petitioner states that she did not incur any in out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

**A lump sum of \$75,648.72, in the form of a check made payable to petitioner and petitioner's attorney, Amber D. Wilson, of Maglio Christopher & Toale, PA, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Shannon Proctor, at (202) 357-6360.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master