

ORIGINAL

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

(Filed: May 9, 2008)

FILED
MAY - 9 2008
U.S. COURT OF FEDERAL CLAIMS
WASHINGTON, D.C.

 IN RE: CLAIMS FOR VACCINE INJURIES *
 RESULTING IN AUTISM SPECTRUM *
 DISORDER OR A SIMILAR *
 NEURODEVELOPMENTAL DISORDER *
 *
 VARIOUS PETITIONERS, *
 *
 v. *
 *
 SECRETARY OF HEALTH AND *
 HUMAN SERVICES, *
 *
 Respondent. *
 *

AUTISM MASTER FILE¹

ORDER

During the OAP status conference on May 8, 2008, Mr. Powers indicated that the PSC would be unable to comply with our April 16, 2008 order that directed the PSC to identify the third test case for Theory 2 prior to the start of the general causation hearing on May 12, 2008. Mr. Powers explained that PSC members had nominated five potential test cases, but, due to trial preparation for the general causation hearing, Dr. Mumfer had yet to review the cases. He proposed identifying the third test case on or about June 13, 2008, two weeks after the conclusion of the Theory 2 hearing.

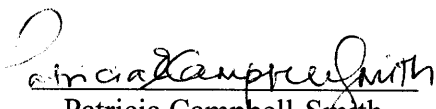
¹The Autism Master File constitutes the record of the Omnibus Autism Proceeding. The complete File is maintained by the Clerk of this court, and is available for inspection by the parties. An electronic version of the File is maintained on this court's website. This electronic version contains a complete list of all documents in the File, along with the full contents of most of those documents; the exception is that the content of some documents has been withheld from the website due to copyright considerations or due to 42 U.S.C. § 300aa-12(d)(4)(A). To access this electronic version of the Autism Master File, visit this court's website at www.uscfc.uscourts.gov. From the home page, click on the "Vaccine Info" page, then on the "Autism Proceeding" page.

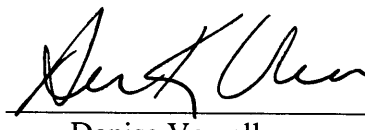
Recognizing the need for a third test case was occasioned by the late withdrawal of a case from the OAP, and, therefore, not the fault of the PSC, we nevertheless conclude that a further delay of more than five weeks to identify a third test case is unacceptable. Given the difficulty of coordinating the schedules of the parties, the special masters, and the expert witnesses, and the need for timely decisions in the test cases, it is of paramount importance that this process be completed expeditiously without further unnecessary delay. Accordingly, the PSC was ordered to designate the five potential test cases by name **by no later than Friday, May 9, 2008**. These names will not be disclosed publicly.

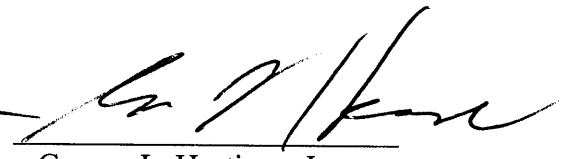
The PSC was also ordered to select the third test case **by no later than Friday, May 23, 2008**. While we recognize that this may require additional effort by Dr. Mumper during the Theory 2 hearing, it is a reasonable request as we are not requiring her to file an expert report by May 23, 2008. Once the case is identified, we will discuss with the parties a schedule for filing any additional expert reports.

The PSC is ordered to identify the five cases being considered for designation by FRIDAY, MAY 9, 2008, and to select the third Theory 2 test case by FRIDAY, MAY 23, 2008.

IT IS SO ORDERED.


Patricia Campbell-Smith
Special Master


Denise Vowell
Special Master


George L. Hastings, Jr.
Special Master