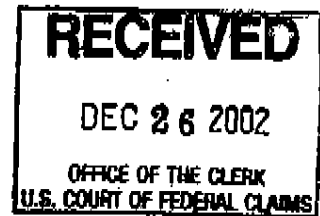


In the United States Court of Federal Claims



OFFICE OF SPECIAL MASTERS

(Filed: ~~December 23, 2002~~)
DEC 26 2002

IN RE: CLAIMS FOR VACCINE INJURIES *
RESULTING IN AUTISM SPECTRUM *
DISORDER OR A SIMILAR *
NEURODEVELOPMENTAL DISORDER *

AUTISM MASTER FILE

VARIOUS PETITIONERS, *

v. *

SECRETARY OF HEALTH AND *
HUMAN SERVICES, *

Respondent. *

AUTISM UPDATE---DECEMBER 20, 2002

This Update describes a number of recent developments in the Omnibus Autism Proceeding that have occurred since the last Update on November 18, 2002. I note that counsel for both parties and I have been working very diligently on the Proceeding during that time period. Status conferences were held on November 22, November 25, December 5, December 10, December 11, December 17, and December 18,¹ while counsel were also working extensively with one another in between these conferences, in order to keep the Proceeding moving forward.

A. Petitioners' Steering Committee

As previously noted, the Petitioners' Steering Committee has heard from a number of attorneys who wish to join that committee, and those attorneys will be formally added to the committee in the very near future. (Counsel desiring to serve on the Steering Committee should contact committee member Ghada Anis, *not* my office or the Court. See Ex. D to Autism General

¹Counsel participating in those conferences were Jeffrey Thompson, Ghada Anis, and John Kim for petitioners, Vincent Matanoski and Mark Raby for respondent.

Order #1 for contact information.) The committee expects to notify me soon of the expanded roster. A meeting of the expanded committee is being scheduled for early January.

B. Discovery

1. As indicated in my previous Autism Updates, a tremendous amount of work has been done by counsel for both parties concerning the petitioners' extensive discovery requests. The parties have worked out many disagreements as to the scope of the petitioners' Requests for Production, and the various governmental agencies continue to identify and review potentially responsive material.

2. However, as also previously noted, actual production of documents, beyond certain data identified on government websites, has been delayed. That was because a difference of opinion developed between the parties concerning whether a "protective order" should be issued. Respondent filed on November 19, 2002, a motion for a "protective order" placing limitations on the use of the discovered material. The Petitioners' Steering Committee responded on November 25, 2002, and oral argument concerning the motion was heard on that same day.

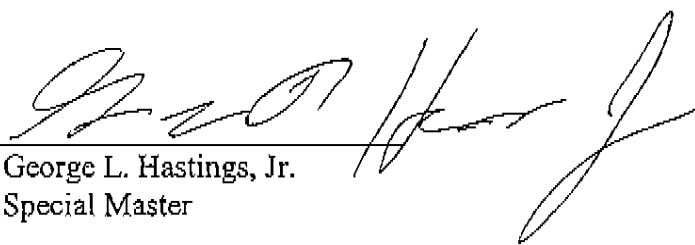
After the argument on the motion, however, counsel for the parties and I continued to work to see if we could reach an accommodation concerning this disagreement. After a series of status conferences, it was determined that respondent will produce the discovery material in one of the autism cases, *Taylor v. Secretary of HHS*, No. 02-699V, and simultaneously give consent that such discovery material may be used in any Vaccine Act proceeding. The respondent will withdraw the motion for a protective order. I filed an Order confirming this development into the file of this Omnibus Autism Proceeding on December 19, 2002.

Happily, this development means that production of documents from respondent to the petitioners will now begin. The first batch of documents is being forwarded to petitioners' counsel today. The parties are working on a schedule for further document deliveries, which they will soon communicate to me.

3. As previously indicated, the parties have been unable to resolve their differences concerning production of materials relating to certain ongoing and proposed studies. An evidentiary hearing concerning that issue will be held. Originally, the parties had agreed on December 17, 2002, as a date for that hearing, but, subsequently, the parties jointly requested that I postpone that date. We are now attempting to agree on a date in January.

4. Finally, I wish to reiterate my continued impression that all parties involved have been working extremely hard on these discovery issues. It appears that a massive effort at a number of government agencies has taken place to provide a thorough response to the discovery requests. I believe that both sides are acting very diligently, and in good faith. I extend my thanks to all counsel involved for their tremendous efforts, as well as their cooperative attitudes in these difficult matters. I further note that all counsel, as well as myself, are doing everything in our power to expeditiously

conclude discovery matters so that we can comply with the projected schedule for conclusion of the Omnibus Autism Proceeding.



George L. Hastings, Jr.
Special Master