

In the United States Court of Federal Claims  
**ORIGINAL**

**FILED**  
SEP 29 2003  
U.S. COURT OF  
FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

(Filed: September 29, 2003)

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

AUTISM MASTER FILE

VARIOUS PETITIONERS, \*

v. \*

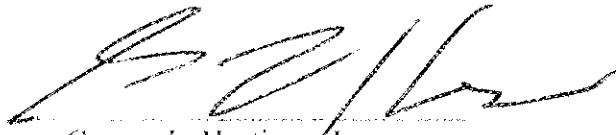
SECRETARY OF HEALTH AND \*  
HUMAN SERVICES, \*

Respondent. \*

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**ORDER PLACING DOCUMENT INTO MASTER FILE**

The attached document filed by the Secretary of Health and Human Services in an individual autism case is relevant to the pending issue of when this court should issue "judgments" in Vaccine Act cases.



George L. Hastings, Jr.  
Special Master



stipulate to the fact that petitioners are not seeking attorney's fees and costs. Because petitioners do not plan on filing such an application and, in fact, have stipulated that they are not seeking fees and costs, the question posed in the Special Master's June 16, 2003 order is not ripe.

Nevertheless, to the extent that the question posed might arise in other cases, respondent deems that, in the appropriate circumstances, attorney's fees and costs may be awarded after a dismissal pursuant to Vaccine Rule 21(a), even though no judgment pursuant to 42 U.S.C. § 300aa-12(d) and (e) shall have issued. Respondent notes that attorney's fees and costs would not be appropriate in the case of a petition filed without sufficient evidence to determine whether jurisdiction under the Vaccine Act was properly invoked and whether the claim was brought in good faith and with a reasonable basis, regardless of the manner of dismissal.

Respectfully submitted,


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Date: *July 16, 2003*

CERTIFICATE OF SERVICE

I certify that on this 16<sup>th</sup> day of July, 2003, a copy of respondent's **RESPONSE TO JUNE 16, 2003 ORDER** was served, by first class mail, postage prepaid, upon:

John N. Hamilton  
525 N. Harbor City Blvd.  
P.O. Drawer 361817  
Melbourne, FL 32936

