

ORIGINAL

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS  
(Filed: October 12, 2007)

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

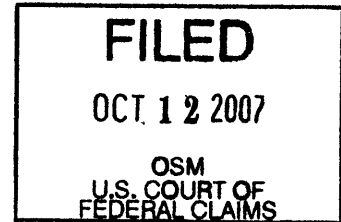
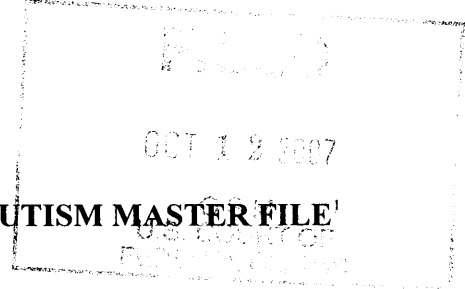
VARIOUS PETITIONERS, \*

v. \*

SECRETARY OF HEALTH AND \*  
HUMAN SERVICES, \*

Respondent. \*

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## ORDER MODIFYING SCHEDULE FOR PSC'S "SECOND THEORY" OF CAUSATION

A status conference in the Omnibus Autism Proceeding (OAP) was held on October 10, 2007. Participants included Thomas Powers, Kevin Conway, Sylvia Chin-Caplan, and Curtis Webb for the Petitioners' Steering Committee (PSC), and Lynn Ricciardella for the respondent. Pursuant to discussion at that conference, we note as follows.

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<sup>1</sup>The 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](http://www.uscfc.uscourts.gov). Click on the "Vaccine Program" page, then on the "Autism Proceeding" page.

***A. Petitioners' Second Theory of Causation***

We note the following concerning the schedule for the PSC's "second theory" of causation, which we discussed at length in our Order filed on September 27, 2007.

1. At recent status conferences, Mr. Powers has noted that the PSC might file expert reports in "rebuttal" to the respondent's expert reports. Accordingly, we hereby specify that any such rebuttal expert report must be filed within 30 days of the filing date of the respondent's particular expert report to be rebutted. Then, respondent would have 30 days in which to file any responsive expert report.

2. Mr. Powers noted that if the PSC elects to file any rebuttal expert reports, such reports would be supplied by Dr. James Woods and/or Dr. David Baskin.

3. As discussed at the conference, we note that we expect that with the filing of the PSC's expert reports on November 19, 2007, the PSC's experts will have *fully explained* the PSC's second causation theory, in general and in its application to the three designated cases.

4. All of each party's expert reports in the three designated test cases must be transmitted to the *opposing party* by "fax" or email *on the due date*. (If any designated test case is not an "ECF" case, then any petitioner's expert report in such case may be mailed *to the court* on the due date--an exception to the ordinary provision of Vaccine Rule 17(a).)

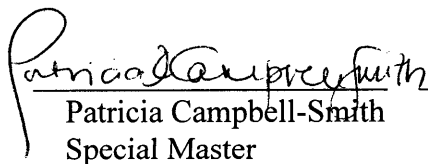
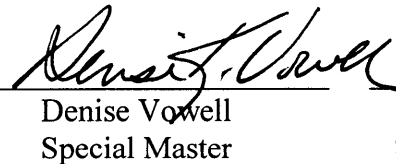
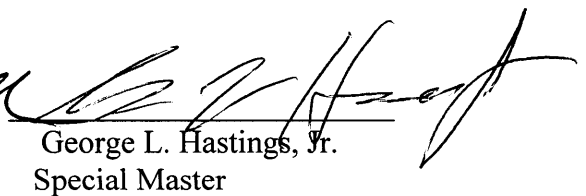
***B. Cedillo briefing schedule***

We also note that at the same OAP conference, counsel for the Cedillo family requested an extension of time for filing the Cedillos' initial post-hearing brief in that case. After discussion, the *Cedillo* briefing schedule was modified as follows.

Petitioners' initial brief is due on October 31, 2007. Respondent's brief is due on January 11, 2008. Petitioners' reply brief is due on February 11, 2008.

***C. Next status conference***

The next OAP status conference has been scheduled for October 31, 2007, at 3:00 p.m. Eastern Time.

		
Patricia Campbell-Smith Special Master	Denise Vowell Special Master	George L. Hastings, Jr. Special Master