

# United States Court of Federal Claims

## Vaccine Case Processing Filing Tips

*These pointers do not replace a careful review of the Vaccine Rules and the Guidelines for Practice Under the National Vaccine Injury Program. See <https://www.uscfc.uscourts.gov/vaccine-programoffice-special-masters>.*

### **Pro Se Cases**

Pursuant to the Rules of the United States Court of Federal Claims (RCFC), Supplement to Appendix B:

- Case initiating documents such as complaints and petitions, along with the required filing fee or application to proceed *in forma pauperis*, must be submitted in paper form in compliance with RCFC 5.5.
- Once a case is opened, the pro se litigant may choose either to continue submitting case filings in paper form or to submit case filings electronically via e-mail to [ProSe\\_case\\_filings@cfc.uscourts.gov](mailto:ProSe_case_filings@cfc.uscourts.gov).
- All documents submitted by e-mail must comply with the format and signature requirements of Supplement to Appendix B, RCFC, ¶ 9(b).
- Pro se litigants may, if feasible, receive instant notification by e-mail of all electronic filings.
- To receive instant notification of filings by e-mail, a pro se litigant must file an E-Notification Consent Form in each active cases before the court. *See Forms 15A and 15B, RCFC.*
- By filing an E-Notification Consent Form, the pro se litigant consents to receiving notice by e-mail of all electronic filings in the named case, pursuant to RCFC 5(b), via the court's electronic filing system and waives service and notice of these filings by first class mail.
- Because of the restricted nature of vaccine filings, pro se litigants cannot access filings via CM/ECF. Thus, in addition to receiving a Notice of Electronic Filing (which will immediately alert the pro se litigant(s) when a filing has been made), the pro se litigant(s) will also receive a separate e-mail providing a copy of each filing by the court in Portable Document Format (PDF). Additionally, opposing counsel must serve the pro se litigant(s) via separate e-mail with a PDF copy of each filing.
- If a motion for substitution of counsel is filed later in the litigation, and the case is converted from a non-ECF pro se case to an ECF case, petitioner(s) will no longer be served with filings via a separate e-mail.
- The court and respondent may file electronically via CM/ECF.
- **Service:** (*see Supplement to Appendix B, ¶14(b)(2)*)
  - Pro se litigants need not separately service his or her filings on opposing counsel.
  - Respondent, however, must attach to each filing, or file within a reasonable time after service, a certificate of service pursuant to RCFC 5(d)(1)(B) and Vaccine Rule 17(a)(2).

### **Filing Petitions Electronically via CM/ECF (attorneys only)**

- When filing a petition electronically via CM/ECF, all documents associated with the petition (e.g., cover sheet, notice of filing, exhibit list, exhibits, etc.) should be filed as attachments to the petition.
  - DO NOT file any motions, notices, or other documents as separate entries in the shell case.
- Once you submit payment of the filing fee in CM/ECF, you must complete the transaction. If you hit the back button, you will be charged twice.
  - If the transaction requires modification, complete the transaction, and then call the Clerk's Office at (202) 357-6366 for assistance.

### **Petitions in General**

- A petition must include a certificate of service in accordance with RCFC 5.3 stating that one copy of the petition and accompanying documents has been served on the Secretary of Health and Human Services. *See Vaccine Rule 2(e)(1).*
- A petition must include a cover sheet completed in its entirety. *See Form 2, Cover Sheet at <https://www.uscfc.uscourts.gov/forms>.*
- If a petition is filed on behalf of a minor, the case caption may include only the minor's initials so as to protect the minor's privacy. *See Vaccine Rule 16(b).*
- A table of contents listing all exhibits must accompany the petition. *See Guidelines at p. 19.*
  - Thereafter, an updated exhibit list must accompany any additional exhibits filed so as to avoid a

duplicate exhibit number or a skipped number.

- Petitioners must file a completed Pre-Assignment Review (PAR) Questionnaire. The PAR Questionnaire may be found at <https://www.uscfc.uscourts.gov/vaccine-sample-filings>.
  - When filing the PAR Questionnaire electronically, petitioner should either include the questionnaire as an attachment to the petition, or, if filed at a later date, file the questionnaire using the CM/ECF event “**PAR Questionnaire.**”
  - For more information on the PAR process, please visit the court’s website at <https://www.uscfc.uscourts.gov/vaccine-programoffice-special-masters>.

#### **PDFs Filed Electronically via CM/ECF (attorneys only)**

- For each filing, the main document and each attachment must be no more than 200 MB in size. *See Supplement to Appendix B, ¶11 (b) and <http://www.cofc.uscourts.gov/cmecf-faq#PDF>.*
  - If a scanned PDF is too large, the “Optimize Scanned Image” feature in Adobe Acrobat will compress the file. A file size can often be reduced by 50 to 90 percent.
- All PDFs must be text searchable. *See Supplement to Appendix E, ¶ 11(a)(i)(B).*

#### **Filing Medical Records in CM/ECF (attorneys only)**

- Accessing large files on a slower network connection can sometimes take an excessive amount of time. We ask that attorneys avoid scanned files whenever practicable and utilize PDF optimization methods to keep files as small as possible. These optimization methods vary depending on the PDF software used.
- Medical records should be filed electronically in CM/ECF whenever possible.
  - CDs should be avoided as they are often damaged during delivery and deteriorate over time.
  - Voluminous medical records may be split into multiple filings to avoid delays or failure (e.g., “Medical Records Part 1,” “Medical Records Part 2”).
    - Each filing must consist of a main document (e.g., “Notice of Filing Medical Records Part 1”) and may include multiple attachments, although counsel must endeavor to limit the total number of attachments.
    - When filing each segment of a voluminous record (e.g., Part 1, Part 2), be sure to use the proper event (e.g., Medical Records) rather than the generic Notice of Filing.
    - Each attachment to the main document should be its own separate exhibit and each exhibit should include a brief description of the subject matter (e.g., “Ex. 1, Birth Certificate,” “Ex. 2, Prenatal Records”) within the body of the main document as well as in the description text box when uploading to CM/ECF. *See Supplement to Appendix B, ¶ 10(b).*
  - Exhibits should be separately paginated and consecutively numbered (for petitioner) or lettered (for respondent) beginning with the next available exhibit number/letter in the case.

#### **Attorney of Record**

- If the special master grants a motion to withdraw as attorney of record, the order granting the motion will direct the Clerk of Court to convert the case from an ECF case to a non-ECF case and the case will proceed pro se.
  - See “Pro Se Cases” section above.
    - The former attorney must also serve the motion on the pro se litigant in a manner prescribed in RCFC 5(b)(2).
    - The Clerk of Court must serve the order granting the motion on both the former attorney and the pro se litigant in a manner prescribed in RCFC 5(b)(2).

#### **Filing in CM/ECF**

- When filing a document in CM/ECF, select the proper VACCINE event or the vaccine event that most closely captures the item you are filing (see attached list of vaccine filing events).
  - Selecting the proper event is critical to ensure:
    - accurate statistical reports;
    - that proper deadlines are set; and
    - that the Clerk’s Office is on notice of action to be taken (e.g., the entry of judgment, the assignment of the case to a judge for review, the substitution of counsel).
  - If you are uncertain which event to use, please call the Clerk’s Office at (202) 357-6366.
- Notices, status reports, motions, responses, replies, and/or other pleadings are considered the main document. *See Guidelines at p. 21.*

- DO NOT file exhibits (including medical records, medical literature, affidavits, and declarations) as the main document; a Notice of Filing should be filed as the main document and exhibits attached to the main document.
- The main document must be captioned with the court’s name, the case title and docket number, and the name of the assigned Special Master. *See Vaccine Rule 16(a)*.
- The main document must include a signature block of the attorney of record or a member of the bar authorized to sign on behalf of the attorney of record. *See Vaccine Rule 14(b)(3)*.
- The signature on the filing and the filing user’s CM/ECF login and password must match (“s/[name of filing user]” or “s/[name of attorney of record] by s/[name of filing user].” *See Supplement to Appendix B, ¶¶ 20–22*.
- Vaccine filings are restricted and can be viewed by case participants and court users only.

**Electronic Service**

- The transmission of a Notice of Electronic Filing (“NEF”) satisfies the service requirements of Vaccine Rule 17(a), except for petitions and pro se cases as noted above.
- Petitions must include a certificate of service in accordance with RCFC 5.3 stating that one copy of the petition and accompanying documents has been served on the Secretary of Health and Human Services. *See Vaccine Rule 2(e)(1)*.

**Review**

- A motion for review of a special master’s decision is filed in the Court of Federal Claims. *See Vaccine Rule 23*.
- A petition for review, i.e., an appeal of a decision of a Court of Federal Claims judge, is filed in the Court of Appeals for the Federal Circuit. *See Vaccine Rule 32*.

Any questions regarding case management should be directed to the Clerk’s Office at (202) 357-6366. For more helpful information, please visit the vaccine page on the court’s website at <https://www.uscfc.uscourts.gov/vaccine-programoffice-special-masters> .

***PLEASE GO TO THE NEXT PAGE FOR A LIST OF CM/ECF DOCKETING EVENTS***

# DOCKETING EVENTS

## Vaccine Events

### **Attorney Complaint/Petition**

#### Attorney Complaint/Petition

- Attorney Petition

### **Vaccine Events**

#### Vaccine Responses

- Amended Respondent's Report
- Reply to Response to Motion
- Reply to Response to Supplemental Brief
- Respondent's Report
- Respondent's Report and Proffer
- Response (Not a motion)
- Response to Cross Motion
- Response to Motion
- Response to Motion for Review
- Response to Motion for Attorney Fees
- Response to Order to Show Cause
- Response to Supplemental Brief
- Sur-Reply

#### Other Vaccine Documents

- 15-Week Petitioner Stipulation Status Report (Response)
- 15-Week Respondent Stipulation Status Report
- ADR – Notice to Proceed
- Additional Documentation
- Affidavit
- Amended Petition
- Certificate of Service
- Cover Sheet
- Declaration
- Exhibit List
- Expert Report
- Joint Notice Not to Seek Review
- Joint Prehearing Submission
- Life Care Plan
- Medical Literature
- Medical Records
- Memorandum
- Notice (Other)
- Notice to Not to Seek Review
- Notice of Additional Authority

#### Other Vaccine Documents Cont'd

- Notice of Appearance (DEFENDANT/RESPONDENT ATTORNEY ONLY)
  - Notice Of Change of Address
  - Notice of Communication of Settlement Office
  - Notice of Filing
  - Notice of Filing Opt-In Consent Form
  - Notice of Intent
  - Notice of Intent to File on Portable Storage Disc or Drive
  - Notice of Intent to Redact Transcript
  - Notice of Intent to Remain in the Program
  - Notice of Intent to Withdraw Petition
  - Objection to Exhibit List
  - Objection to Public Disclosure
  - Objection to Witness List
  - PAR Medical History Questionnaire
  - Petitioners Election to Accept Judgment
  - Petitioners Election to File Civil Action
  - Position on Short Form Petitions
  - Post Hearing Brief
  - Prehearing Submissions
  - Proffer
  - Satisfaction of Judgment
  - Statement Regarding General Order No. 9
  - Statement of Completion
  - Status Report
  - Status Report (JOINT)
  - Status Report (Multiple Plaintiffs Summary)
  - Stipulation
  - Stipulation for Award
  - Stipulation for Fees
  - Stipulation of Dismissal
  - Suggestion of Death
  - Supplemental Brief
  - Witness List
- #### Vaccine Motions
- Alter or Amend Judgment – Vaccine Rule 36 – RCFC 59€

## Vaccine Motions Cont'd

- ✚ *Amend Schedule*
- ✚ *Amend/Correct*
- ✚ *Appeal in Forma Pauperis*
- ✚ *Appear*
- ✚ *Application for Access to Protected Material*
- ✚ *Appoint Counsel*
- ✚ *Appoint Expert*
- ✚ *Appoint Guardian/Attorney ad Litem*
- ✚ *Attorney Fees*
- ✚ *Attorney Fees (UNOPPOSED)*
- ✚ *Compel*
- ✚ *Consolidate Cases*
- ✚ *Continue*
- ✚ *Correct Transcript*
- ✚ *Cross Motion and Response (Vaccine)*
- ✚ *Decision*
- ✚ *Disbursement of Funds*
- ✚ *Discovery*
- ✚ *Dismiss*
- ✚ *Dismiss – Vaccine Rule 21(a) – Voluntary*
- ✚ *Dismiss – Vaccine Rule 21(b) – Involuntary*
- ✚ *Disqualify Counsel*
- ✚ *Disqualify Special Master*
- ✚ *Exceed Page Limit*
- ✚ *Expedite*
- ✚ *Extension of Time*
- ✚ *Extension of Time to Amend*
- ✚ *Extension of Time to File Reply*
- ✚ *Extension of Time to File Response*
- ✚ *Hearing*
- ✚ *Interim Attorney's Fees and Costs*
- ✚ *Interim Attorney's Fees and Costs (UNOPPOSED)*
- ✚ *Intervene*
- ✚ *Issue Subpoena*
- ✚ *Leave to File Complaint*
- ✚ *Leave to File out of Time*
- ✚ *Lift Stay*
- ✚ *Miscellaneous Relief*
- ✚ *More Definite Statement*
- ✚ *Motion for Judgement on the Record*
- ✚ *Oral Argument*
- ✚ *Pro Hac Vice Participation*
- ✚ *Proceed In Forma Pauperis*
- ✚ *Protective Order*

## Vaccine Motions Cont'd

- ✚ *Publish*
- ✚ *Quash*
- ✚ *Reassign Case – Rule 40.1(c)*
- ✚ *Reconsideration*
- ✚ *Reconsideration – Vaccine*
- ✚ *Recusal*
- ✚ *Redact Decision*
- ✚ *Referral for Possible Pro Bono Representation*
- ✚ *Referral to ADR*
- ✚ *Reimbursement of Fees (PRO SE ONLY)*
- ✚ *Relief from Judgment – Vaccine Rule 36 – RCFC 60*
- ✚ *Remand*
- ✚ *Reopen Case*
- ✚ *Request for Filing Fee Pay.gov Refund*
- ✚ *Review*
- ✚ *Ruling on the Record*
- ✚ *Seal Document*
- ✚ *Show Cause*
- ✚ *Status Conference*
- ✚ *Stay*
- ✚ *Strike*
- ✚ *Substitute Attorney*
- ✚ *Substitute Attorney (Consented)*
- ✚ *Substitute Party*
- ✚ *Summary Judgment*
- ✚ *Supplement*
- ✚ *Take Deposition*
- ✚ *Vacate*
- ✚ *Waive Copy Requirements*
- ✚ *Withdraw*
- ✚ *Withdraw as Attorney*