

United States Court of Federal Claims Vaccine Case Processing and Filing Pointers

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

Pro Se Cases

- No parties, including respondent, are permitted to file electronically in a pro se paper case. *See RCFC 5.5(d)(2) and Supplement to Appendix B, ¶8.*

Filing Petitions Electronically

- Attorneys are encouraged to file petitions electronically and to include the medical records/Statement of Completion as attachments to the petition.
 - When filing a petition electronically, all documents associated with the petition (e.g., notice of filing) should be filed as attachments to the petition. DO NOT file any motions, notices, or other documents as separate entries in the shellcase.
- Once you submit payment 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).*
- 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. 18.*
 - Thereafter, an updated exhibit list must accompany any additional exhibits filed so as to avoid a duplicate exhibit number or a skipped number.

PDFs Filed Electronically

- For each filing, the main document and each attachment must be no more than 50 MB in size. *See Supplement to Appendix B, ¶ 9(c) 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 should be textsearchable.

Filing Medical Records

- 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 (i.e., 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 remove the case from the electronic filing system and the case will proceed pro se.
 - All future filings must be filed and served in paper form, including any motion to substitute counsel or a motion by the former attorney for leave to file a motion for interim attorney’s fees.
 - The former attorney must also serve the motion in paper form on the pro se plaintiff and respondent’s counsel.

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. 20.*
 - 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) and Supplement to Appendix B, ¶ 19.*
- 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.
- 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 24.*
- 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 <http://www.uscfc.uscourts.gov/vaccine-programoffice-special-masters>.

Vaccine Docketing 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 to 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 Submissions
Life Care Plan
Medical Literature
Medical Records
Memorandum
Notice (Other)
Notice Not to Seek Review
Notice of Additional Authority
Notice of Appearance (DEFENDANT/RESPONDENT)
Notice of Change of Address
Notice of Filing
Notice of Intent to File on Compact Disc
Notice to 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)
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(e)
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 Document
Leave to File Out of Time
Lift Stay
Miscellaneous Relief
More Definite Statement
Motion for Judgment on the Record
Oral Argument
Pro Hac Vice Participation
Proceed In Forma Pauperis
Protective Order
Publish
Quash
Reassign Case – Rule 40.1(c)
Reconsideration
Reconsideration – Rule 59(a)
Recusal
Redact Decision
Referral to ADR
Reimbursement of Fees (PRO SE ONLY)
Relief from Judgment – Vaccine Rule 36 – RCFC 60
Remand
Reopen Case
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