

ORIGINAL

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

FILED

JUN 25 2007

OSM
U.S. COURT OF
FEDERAL CLAIMS

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.

PSC PROPOSAL FOR SCHEDULING
ADDITIONAL TEST CASES

AUTISM MASTER FILE

Special Master George Hastings

The Petitioners' Steering Committee hereby proposes a schedule for the proceedings leading to the next round of test cases to be considered in the Omnibus Autism Proceeding. These cases will proceed on the theory that thimerosal as contained in certain pediatric vaccines was a substantial contributing cause of neurodevelopmental injuries, including autism spectrum disorders, in certain claimants in this proceeding. The proposed schedule is attached as Exhibit A to this Motion.

DATED this 22nd day of June, 2007.

WILLIAMS LOVE O'LEARY CRAINE & POWERS P.C.

By: 

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June 1, 2007

George Hastings
Denise Vowell
Patricia Campbell-Smith
U.S. Court of Federal Claims
Office of the Special Master
1440 New York Avenue, NW, Suite 200
Washington, D.C. 20005

Re: In Re: Claims for Vaccine Injuries Resulting in Autism Spectrum Disorder, or a Similar Neurodevelopmental Disorder v. Secretary of Health And Human Services
Autism Master File
Our File No. 054500 - Omnibus Autism Proceeding

Dear Special Masters:

On May 23, 2007, the Petitioners' Steering Committee submitted a preliminary outline of the PSC's proposed schedule for the general causation proceedings concerning the theory that thimerosal contained in certain vaccines was a substantial contributing cause of autism and similar neurological injuries in certain children. During the status conference call on May 31, the Special Masters requested that the PSC confirm whether that proposal would, in fact, be the PSC's "official" position on scheduling. This letter will confirm the PSC proposal, which is nearly identical to that submitted on May 23.

The one change made from the May 23 letter is that the medical records in the 15-20 potential test cases will be submitted into August 2007, rather than only through the end of June. With that modification, the PSC proposal is as follows:

Petitioners will submit the medical records in 15-20 omnibus claimants between now and the end of August 2007. These claims will be designated as possible "test cases" for the thimerosal toxicity theory of causation.

By the end of August 2007 the PSC will identify three actual test cases for hearing from among the potential claimants who filed medical records. Also by the end of August, the PSC will submit general causation expert reports that the PSC expects to rely on in this round of hearings.

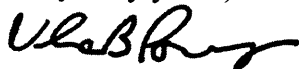
Allowing respondent 90 days to draft and file expert reports in opposition to the PSC experts has the respondent's reports due on approximately November 30, 2007.

Submission of general causation reports by that date would presumably provide the Special Masters enough time to review the parties' submissions so that the first hearing on this round of test cases could be held as early as mid-to-late January 2008.

During the status conference of May 31 respondent indicated that it may seek to modify this proposed schedule, particularly as to the timing of respondent's expert reports and changes to the range of hearing dates that would result from extending the time for respondent's reports. The PSC looks forward to working with respondent and the Special Masters to resolve those issues and finalize this schedule.

The PSC will put the contents of this letter into the form of a pleading to be filed in the Omnibus Master File and made available on the Court's website.

Very truly yours,



Thomas B. Powers
Attorney at Law

TBP:las

cc: John H. Kim Esq., The Kim Law Firm (via regular USPS and electronic mail)
Vincent Matanoski, Esq., U.S. DOJ (via regular USPS and electronic mail)
Kevin Conway, Esq., Conway Homer et al (via regular USPS and electronic mail)
Joseph T. Lowe, U.S. Court of Federal Claims (via regular USPS, fax, and electronic mail)

CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2007, I served the foregoing **PSC PROPOSAL FOR SCHEDULING ADDITIONAL TEST CASES** on the following individual(s):


John Fabry, Esq.
Williams Bailey Law Firm, LLP
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Vincent Matanoski, Esq.
Mark Raby, Esq.
US Department of Justice
Torts Branch, Civil Division
1425 New York Avenue NW
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By United Parcel Service, next business day delivery.

Petitioners specifically authorize the Court and the Office of Special Masters to post this document, and any attachments or exhibits thereto, on the Court/OSM website, expressly waiving any confidentiality as to the contents of these materials. Petitioners expressly wish to publicly disclose this filing in any other forum designated by the Court or the OSM.

WILLIAMS LOVE O'LEARY CRAINE & POWERS, P.C.



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Of Attorneys for Petitioners' Steering Committee

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