

ORIGINAL

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

FILED

SEP 30 2003

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.

Autism Master File

**Notice of Deposition of Organization:  
Centers for Disease Control and Prevention**

**TO: THE UNITED STATES CENTERS FOR DISEASE CONTROL AND  
PREVENTION ("CDC") AND ITS ATTORNEYS**

PLEASE TAKE NOTICE that pursuant to 42 USC §300aa-12(d), the Office of the Special Masters directs petitioners, through their attorneys, to take the stenographic and videotape organizational deposition of the CDC beginning at 9:00 a.m. on December 1, 2003 at place mutually agreed to by counsel. The deposition will continue day to day until complete. The CDC shall designate one or more persons who shall inform themselves and be prepared to testify on behalf of the agency regarding the following subjects:

**(A) COMPLETED RESEARCH.** For each project identified for any of the subcategories below: the grant or project number; any place on the worldwide web where information about the matter can be found; the title and location of any final or interim reports, articles or other output; any power point shows or slides summarizing the matter; the identity of the principal investigators; and the location of the protocol, the budget and periodic progress reports of the matter.

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1. Any completed research, survey, study or other investigation, whether published or not, conducted by the CDC or any of its subdivisions, or any entity employed by the CDC, under contract to the CDC, or funded by the CDC, regarding the human or animal health effects of thimerosal (since 1991).
2. Any completed research, survey, study or other investigation, whether published or not, conducted by the CDC or any of its subdivisions, or any entity employed by the CDC, under contract to the CDC, or funded by the CDC, regarding the human and animal health effects of ethyl mercury (since 1991).
3. Any completed research, survey, study or other investigation, whether published or not, conducted by the CDC or any of its subdivisions, or any entity employed by the CDC, under contract to the CDC, or funded by the CDC, regarding the human and animal health effects of the MMR combined vaccine or of any of its components (since 1991).
4. Any completed research, survey, study or other investigation, whether published or not, conducted by the CDC or any of its subdivisions, or any entity employed by the CDC, under contract to the CDC, or funded by the CDC, regarding the human and animal health effects of any preservatives, biocides, fungicides, adjuvants, stabilizing agents, and diluents used in pediatric vaccines (since the beginning of CDC).
5. Any completed research, survey, study or other investigation, whether published or not, conducted by the CDC or any of its subdivisions, or any entity employed by the CDC, under contract to the CDC, or funded by the CDC, regarding the prevalence or rate of occurrence of autism spectrum disorders ("ASDs") in the United States (since 1991).

6. Any completed research, survey, study or other investigation, whether published or not, conducted by the CDC or any of its subdivisions, or any entity employed by the CDC, under contract to the CDC, or funded by the CDC, regarding the possible causes of ASDs in the United States (since 1991).
7. Any completed research on the epidemiology of autism or ASD's in any country other than the USA.

**(B) ONGOING RESEARCH AND OTHER PROJECTS:** For each of the subcategories below: the same information as set out above for completed projects, as well as the expected completion date and type of interim reporting on progress or expenses the project generates as it moves along. The designee(s) should be prepared to answer questions about ongoing studies, surveys, studies or other investigations regarding the:

1. Human and animal health effects of thimerosal;
2. Human and animal health effects of ethyl mercury;
3. Human and animal health effects of the MMR combined vaccine or of any of its components;
4. Human and animal health effects of any preservatives, biocides, fungicides, adjuvants, stabilizing agents, and diluents used in pediatric vaccines;
5. The prevalence or rate of occurrence of autism spectrum disorders ("ASDs") in the United States or in other countries; and
6. The possible causes of ASDs in the United States, specifically including any case control studies looking for data on environmental causes of autism or ASDs.

This issue area includes, for any study or research project identified, information regarding the design, goals, purposes, protocol and methodology of the project; the identity of any investigators, researchers, or others who are actually conducting the project; the funding source for the project; the anticipated completion date for the project; an anticipated publication

date (if publication is a goal of the project); and the identity of any non-CDC consultants, experts, advisors or others who will in any way participate in the project. Petitioners received two letters from Respondent identifying several ongoing studies, and those two letters are attached as Exhibits 1 and 2 to this Notice of Organizational Deposition to make sure those studies are included in the designee's inquiries.

**(C) COMMUNICATIONS WITHIN THE CDC, AND BETWEEN CDC AND OTHER ENTITIES:** Petitioners will ask the CDC about communications within the CDC and its subdivisions, and between the CDC and any non-CDC organizations, entities or individuals, regarding the following issues:

1. Meetings of the Simpsonwood panel in June 2000, including the following topics: the identity of the custodian(s) of all records, minutes, correspondence and any other documents generated by or as a result of the proceedings of that panel, before, during and after the June 2001 meeting; the names and contact information of any individuals, organizations or entities that were asked by the CDC to attend the June 2000, or who were asked to otherwise participate in those proceedings; the identity of any employees of the CDC or its subdivisions who participated in the planning of the Simpsonwood meeting, or who participated in any discussions regarding the scope, goals, purposes, or agenda of the meeting.
2. Communications between the CDC and any other subdivision of the federal government regarding the safety, or concerns about the safety, of thimerosal, ethyl mercury, the MMR vaccine or its components, or the preservatives, biocides, fungicides, adjuvants, stabilizing agents, and diluents used in pediatric vaccines (since 1991).
3. Communications between the CDC and any non-governmental entities, organizations or

individuals regarding the safety, or concerns about the safety, of thimerosal, ethyl mercury, the MMR vaccine or its components, or the preservatives, biocides, fungicides, adjuvants, stabilizing agents, and diluents used in pediatric vaccines (since 1991).

4. Discussions, deliberations, research or any other consideration by the CDC of alternatives to the use of thimerosal in pediatric vaccines, including but not limited to a) substitute preservatives, b) less concentrated formulations of thimerosal, c) preservative-free vaccine packaging and formula options, and d) combining vaccines so as to complete the recommended vaccine schedule with fewer shots (since 1991).
5. CDC knowledge of other studies being conducted by industry, academia, or other governmental agencies (such as WHO, for example) underway on any of the above topics, which do not have any CDC involvement, but about which CDC is aware.
6. The status of the proposal to do neuropsychiatric testing of the children involved in the thimerosal screening analysis based on the Vaccine Safety Datalink (the so-called "Vertstraeten Study").

DATED this 29th day of September, 2003

By:   
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Attorneys for Petitioners' Steering Committee

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2003, I served the foregoing **Notice of Deposition of Organization: Centers for Disease Control and Prevention** on the following individual(s):

Vincent Matanoski  
U.S. Department of Justice  
Torts Branch, Civil Division  
P.O. Box 146, Benjamin Franklin Station  
Washington, D.C. 20044-0416

by regular mail and facsimile.

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



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Brenda D. Steinle, Assistant to Michael L. Williams  
Attorneys for Petitioners' Steering Committee