

ORIGINAL

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS
(Filed: November 2, 2007)

FILED
NOV - 2 2007
OSM
U.S. COURT OF
FEDERAL CLAIMS

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

AUTISM MASTER FILE¹

VARIOUS PETITIONERS,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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

A status conference in the Omnibus Autism Proceeding (OAP) was held on October 31, 2007. Participants included Thomas Powers, Kevin Conway, and Lloyd Bowers for the Petitioners' Steering Committee (PSC), and Lynn Ricciardella for the respondent. At that conference, a number of items were discussed. We note two of them below.

¹The 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. Click on the "Vaccine Program" page, then on the "Autism Proceeding" page.


A. Petitioners' Second Theory of Causation

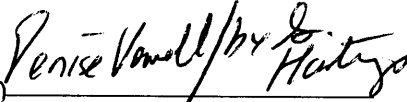
We discussed a proposal of the undersigned concerning the filing of the *scientific articles* that will be cited by both parties' experts concerning the PSC's "Second Theory" of causation. We propose that, instead of the parties' filing such articles along with each expert report, as was done in the *Cedillo* case, all articles cited by the experts concerning the three "Second Theory" test cases, should be filed via CD into the Autism Master File. The articles cited by petitioners' experts would be given numbers, *e.g.* Ex. 1, Ex. 2, etc. The articles cited by respondent's experts would be given letters. Ultimately, a CD containing all of the cited articles would be placed into the individual record of each of the three test cases.

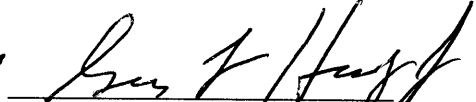
As we discussed, the parties should consider this proposal, to judge whether it seems desirable and practical. We can discuss it at the next status conference. In the meanwhile, when the PSC files its case-specific expert reports in the three test cases on November 19, at that time the cited articles need *not* be filed. Instead, the PSC should file, by the end of November, a CD into the Autism Master File containing the scientific articles cited in those case-specific reports, along with the articles cited by Drs. Aposhian, Greenland, and Deth in their already-filed reports.

B. Next status conference

The next OAP status conference has been scheduled for November 20, 2007, at 3:00 p.m. Eastern time.


Patricia Campbell-Smith
Special Master


Denise Vowell
Special Master


George L. Hastings, Jr.
Special Master