

In the United States Court of Federal Claims
ORIGINAL
OFFICE OF SPECIAL MASTERS

(Filed: May 20, 2004)

FILED
MAY 20 2004
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

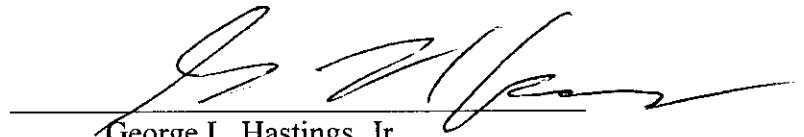
SCHEDULING ORDER

An unrecorded telephonic status conference was held on May 17, 2004. Participating were Thomas Powers and Ghada Anis for the petitioners, along with Vincent Matanoski for the respondent. At the time for discussion of the petitioners' pending motion for discovery from Merck & Co., we also included the following additional participants: Dino Sangiamo, attorney for Merck, and four attorneys representing other vaccine manufacturers: Bradley Wolff, representing Aventis Pasteur; Daniel Thomach, representing Wyeth; Marcy Green and Stephanie Smith, representing GlaxoSmithKline; and Lee Davis Thames, representing Baxter.

At that conference, the attorneys for petitioners, respondent, and Merck all stated that they had no objection to participation by counsel for the four other vaccine manufacturers at the upcoming oral argument concerning that pending motion for discovery from Merck.

Accordingly, on May 26, 2004, commencing at 9:30 a.m., I will entertain oral argument concerning that motion, at the court building at 717 Madison Place, N.W., Washington, D.C. I also note that, as described in my "Notice" filed on November 26, 2003, the participation of the additional vaccine manufacturers has resulted from the fact that the petitioners' attorneys have indicated an intent to seek discovery from other vaccine manufacturers in addition to Merck. As I noted in the November 26 notice, the four additional vaccine manufacturers for that reason sought to participate in the briefing and argument concerning the Merck discovery issue, in order to address the general issue of whether discovery against such manufacturers is appropriate under the Vaccine Act. And, in the absence of any objection from petitioners, respondent, or Merck, I have permitted

the four manufacturers to do so. (See briefs filed in December of 2003.) Thus, I will permit their counsel to participate in oral argument on May 26, 2004.*



George L. Hastings, Jr.
Special Master

*Based upon the briefing of the issues to be discussed on May 26, it appears to me that inclusion of the additional manufacturers in the argument will not be contrary to the non-disclosure provision of 42 U.S.C. § 12(d)(4)(A). As noted above, that was also the opinion expressed by counsel for the petitioners, respondent, and Merck during the conference on May 17.