

ORIGINAL

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

(Filed: June 10, 2004)

FILED
JUN 10 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. *

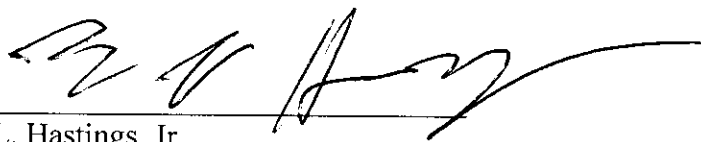
AUTISM MASTER FILE

SCHEDULING ORDER

An unrecorded telephonic status conference was held on June 8, 2004. Participating were Thomas Powers and Ghada Anis for the petitioners, along with Vincent Matanoski for the respondent. At the conference, we discussed, *inter alia*, the issue of the evidentiary hearing and/or oral argument session concerning the pending motion by the petitioners' to compel discovery from respondent, which session had been tentatively scheduled for late June of 2004. Respondent's counsel argued that such session would be premature, since in respondent's view a number of the petitioners' production requests are ambiguous and lack specificity. Petitioners' counsel stated that the Petitioners' Steering Committee might wish to present at a late June hearing an expert witness concerning the issue of the "necessity" of the requested documents, but was still unsure of the identity of such a witness.

In these circumstances, where the specificity of the document request is not clear and the Committee is still unsure what (if any) expert will be presented, it appears to me that it would be, in fact, impossible to take complete oral argument and/or evidence, concerning the issue of whether I should compel the requested disclosure by the respondent, by the end of this month. Instead, by June 15, 2004, respondent will submit a brief describing the alleged ambiguity of the petitioners' document requests. By June 25, 2004, the petitioners will submit a written response thereto. Further, between now and June 29, 2004, petitioners will determine whether they want to provide an expert witness concerning the "necessity" issue, and, if possible, submit a report from that expert

summarizing the expert's testimony. We will then have a conference on June 29, 2004, to determine what procedures are needed for resolving this discovery dispute.

A handwritten signature in black ink, appearing to read "G. L. Hastings, Jr.", written over a horizontal line.

George L. Hastings, Jr.
Special Master