

ORIGINAL

In the United States Court of Federal Claims

**OFFICE OF SPECIAL MASTERS
(Filed: January 11, 2007)**

FILED

JAN 11 2007

O S M
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 REGARDING REASSIGNMENT

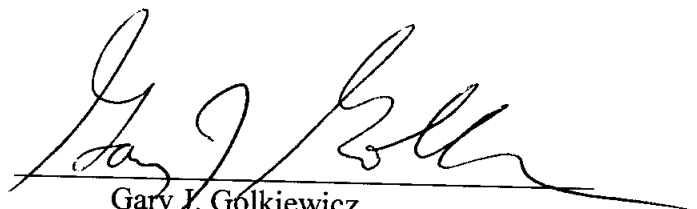
The Office of Special Masters' overarching goals in organizing and handling the over 4,700 autism cases are speed and efficiency. As stated in Autism General Order #1, filed July 3, 2002, "the OSM established one overriding principle governing all suggestions, proposals, and requests - the OSM's decision on the causation issues shall be rendered within two years after the filing of this General Order. The OSM's subsequently adopted procedure and schedule contained herein are designed to meet that two-year time frame." Despite the excellent efforts of all involved, the extremely complex legal and medical issues involved have required additional time to prepare these cases for trial and, thus, for resolution. Accordingly, while G.O. #1 anticipated a special master decision in July 2004, due to extra time needed to prepare the cases, the initial autism trial is now scheduled for June 11, 2007, with a decision to follow.

The families are owed their day in court and a decision in their cases as soon as reasonably possible. For the OSM to finally resolve not only petitioners' proposed test cases, but also the remaining over 4,700 cases, will require rulings from the Court of Appeals for the Federal Circuit. This is because the Federal Circuit's decisions are binding on all of the special masters; decisions by the special masters or by the Court of Federal Claims judges are not binding on other special masters. It is only with the Federal Circuit's binding rulings, that the special masters can then work to resolve the remaining autism cases with speed, consistency, and certainty.

For the Federal Circuit's rulings to be most helpful in resolving the non-test cases, the rulings must address the issues presented in the non-test cases. Initially, it is incumbent upon petitioners' counsel to select and litigate test cases that present the array of legal and medical issues that are **representative** of the non-test cases. Subsequently, it will be the special masters' decisions, which discuss and resolve those issues, that frame the cases for resolution by the Federal Circuit.

To ensure that the Federal Circuit has the broadest perspective and clearest understanding of the issues presented to the special masters and ultimately resolved by the special masters, the undersigned has decided, after much thought and discussion with the other special masters, to assign two additional special masters to hear and decide the issues presented in the test cases. With three special masters hearing and deciding the test cases, the OSM is confident that the special masters' decisions discussing the legal and medical issues will educate fully the Federal Circuit, and thus allow the Federal Circuit to issue opinions that guide the special masters in the resolution of the remaining cases. The OSM is confident that the assignment of two additional special masters offers the best opportunity to resolve all of the autism cases within the shortest period of time, without negatively affecting the parties' presentation of their respective evidence and argument.

Accordingly, Special Master Denise Vowell and Special Master Patricia Campbell-Smith are hereby assigned to handle the autism docket. The docket, which to-date has been overseen by Special Master George Hastings, will be divided roughly in equal numbers and assigned to the three special masters for further proceedings.



Gary J. Golkiewicz
Chief Special Master