

United States Court of Federal Claims Vaccine Case Processing and Filing Pointers

These pointers do not replace a careful review of the Vaccine Rules and the Guidelines for Practice Under the National Vaccine Injury Program. See <http://www.cofc.uscourts.gov/vaccine-programoffice-special-masters>.

Pro Se Cases

- No parties, including respondent, are permitted to file electronically in pro se cases. See *RCFC 5.5(d)(2)* and *Supplement to Appendix B*, ¶ 8.

Filing Petitions Electronically

- Attorneys are encouraged to file petitions electronically and to include the medical records/Statement of Completion as attachments to the petition.
 - When filing a petition electronically, all documents associated with the petition (e.g., notice of filing) should be filed as attachments to the petition. DO NOT file any motions, notices, or other documents as separate entries in the shell case.
- Once you submit payment in CM/ECF, you must complete the transaction. If you hit the back button, you will be charged twice.
 - If the transaction requires modification, complete the transaction and then call the Clerk's Office at (202) 357-6366 for assistance.

Petitions in General

- Petitions and accompanying documents must be served in paper form on the Secretary of Health and Human Services. See *Vaccine Rule 2(e)(1)*.
- If a petition is filed on behalf of a minor, the case caption may include only the minor's initials so as to protect the minor's privacy. See *Vaccine Rule 16(b)*.
- A table of contents listing all exhibits must accompany the petition. See *Guidelines at p. 18*.
 - Thereafter, an updated exhibit list must accompany any additional exhibits filed so as to avoid a duplicate exhibit number or a skipped number.

PDFs Filed Electronically

- The file size limit has been increased to 50 MB per PDF filing. See *Supplement to Appendix B*, ¶ 9(c) and <http://www.cofc.uscourts.gov/cmecf-faq#PDF>.
 - A single filing must consist of a main document and may include up to 10 PDF attachments for a total of 550 MB per filing (e.g., "Notice of Filing Medical Records" and 10 PDF attachments of medical records).
 - If a scanned PDF is too large, the "Optimize Scanned Image" feature in Adobe Acrobat will compress the file. A file size can often be reduced by 50 to 90 percent.
- All PDFs should be text searchable.

Filing Medical Records

- Medical records should be filed electronically in CM/ECF whenever possible.
 - CDs should be avoided as they are often damaged during delivery and deteriorate over time.
 - Large, electronically filed medical records may be split into multiple filings (e.g., "Medical Records Part 1," "Medical Records Part 2").
 - Each filing must consist of a main document (e.g., "Notice of Filing Medical Records Part 1") and may include up to 10 PDF attachments.
 - Each attachment should be its own separate exhibit and each exhibit should include a brief description of the subject matter (e.g., "Ex. 1, Birth Certificate," "Ex. 2, Prenatal Records") within the body of the main document as well as in the description text box when uploading to CM/ECF. See *Supplement to Appendix B*, ¶ 10(b).
 - Exhibits should be separately paginated and consecutively numbered (for petitioner) or lettered (for respondent) beginning with the next available exhibit number/letter in the case.

Attorney of Record

- If the special master grants a motion to withdraw as attorney of record, the order granting the motion will direct the Clerk of Court to remove the case from the electronic filing system and the case will proceed pro se.
 - All future filings must be filed and served in paper form, including any motion to substitute counsel or a motion by the former attorney for leave to file a motion for interim attorney's fees.
 - The former attorney must also serve the motion in paper form on the pro se plaintiff and respondent's counsel.

Filing in CM/ECF

- When filing a document in CM/ECF, select the proper VACCINE event or the vaccine event that most closely captures the item you are filing (see attached list of vaccine filing events).
 - Selecting the proper event is critical to ensure:
 - accurate statistical reports;
 - that proper deadlines are set; and
 - that the Clerk's Office is on notice of action to be taken (e.g., the entry of judgment, the assignment of the case to a judge for review, the substitution of counsel).
 - If you are uncertain which event to use, please call the Clerk's Office at (202) 357-6366.
- Notices, status reports, motions, responses, replies, and/or other pleadings are considered the main document. *See Guidelines at p. 20.*
 - DO NOT file exhibits (including medical records, medical literature, affidavits, and declarations) as the main document; a Notice of Filing should be filed as the main document and exhibits attached to the main document.
 - The main document must be captioned with the court's name, the case title and docket number, and the name of the assigned Special Master. *See Vaccine Rule 16(a).*
 - The main document must include a signature block of the attorney of record or a member of the bar authorized to sign on behalf of the attorney of record. *See Vaccine Rule 14(b)(3) and Supplement to Appendix B, ¶ 19.*
- Vaccine filings are restricted and can be viewed by case participants and court users only.
 - To view filings, case participants must use their CM/ECF login and password.
 - If PACER credentials are used, case participants will receive a message that they do not have permission to view the documents.

Electronic Service

- The transmission of a Notice of Electronic Filing ("NEF") satisfies the service requirements of Vaccine Rule 17(a), except for petitions which must be served in paper form on the Secretary of Health and Human Services pursuant to Vaccine Rule 2(e)(1).
 - A certificate of service need not be included with an electronic filing and a paper copy need not be served on opposing counsel. *See Supplement to Appendix B, ¶ 12(c).*

Review

- A motion for review of a special master's decision is filed in the Court of Federal Claims. *See Vaccine Rule 24.*
- A petition for review, i.e., an appeal of a decision of a Court of Federal Claims judge, is filed in the Court of Appeals for the Federal Circuit. *See Vaccine Rule 32.*

Any questions regarding case management should be directed to the Clerk's Office at (202) 357-6366. For more helpful information, please visit the vaccine page on the court's website at <http://www.uscfc.uscourts.gov/vaccine-programoffice-special-masters>.

Vaccine Docketing Events

Vaccine Motions

Amend Schedule
Amend/Correct
Appeal In Forma Pauperis
Appear
Application for Access to Protected Material
Appoint Counsel
Appoint Custodian
Appoint Expert
Appoint Guardian / Attorney ad Litem
Attorneys Fees
Attorneys Fees (Unopposed)
Compel
Consolidate Cases
Continue
Correct Transcript
Decision
Disbursement of Funds
Discovery
Dismiss
Dismiss - Vaccine Rule 21(a) - Voluntarily
Dismiss - Vaccine Rule 21(b) - Involuntary
Disqualify Counsel
Disqualify Special Master
Exceed Page Limit
Expedite
Extension of Time
Extension of Time to Amend
Extension of Time to File Reply
Extension of Time to File Response
Fast Track
Hearing
Interim Attorney Fees and Costs
Interim Attorney Fees and Costs (Unopposed)
Intervene
Issue Subpoena
Leave to File Document
Leave to File Out of Time
Lift Stay
Miscellaneous Relief
More Definite Statement
Motion for Judgment on the Record
Oral Argument

Proceed In Forma Pauperis
Protective Order
Publish
Quash
Reassign Case
Reconsideration
Reconsideration - Rule 59(a)
Recusal
Redact Decision
Referral to ADR
Remand
Reopen Case
Review
Rule 36: Alter or Amend Judgment - Rule 59(e)
Rule 36: Alter or Amend Judgment - Rule 60
Seal Document
Settlement, Motion for
Show Cause
Status Conference
Stay
Strike
Substitute Attorney
Substitute Attorney (Consented)
Substitute Party
Summary Judgment
Supplement
Take Deposition
Vacate
Waive Copy Requirements
Withdraw
Withdraw as Attorney

Other Vaccine Documents

15-Week Petitioner Stipulation Status Report (Response)
15-Week Respondent Stipulation Status Report
ADR - Notice to Proceed
Additional Documentation
Amended Petition
Certificate of Service
Declaration
Exhibit List
Expert Report
Fast Track Settlement Status Report
Joint Notice Not to Seek Review
Life Care Plan

Medical Literature
Medical Records
Memorandum
Notice (Other) PLEASE DO NOT USE FOR NOTICE OF APPEARANCE
Notice Not to Seek Review
Notice of Additional Authority
Notice of Appearance (Defendant/Respondent Attorney Only)
Notice of Change of Address
Notice of Filing
Notice of Intent to File on Compact Disc
Notice of Intent to Redact Transcript
Notice of Intent to Remain in the Program
Notice of Intent to Withdraw Petition
Objection to Exhibit List
Objection to Public Disclosure
Objection to Witness List
Petitioner Election to Accept Judgment
Petitioners Election to File a Civil Action
Position on Short Form Petitions
Post Hearing Brief
Prehearing Submissions
Proffer
Satisfaction of Judgment
Statement Regarding Omnibus Autism Proceeding
Statement of Completion
Status Report
Status Report (Joint)
Stipulation
Stipulation for Award
Stipulation for Fees
Stipulation of Dismissal
Suggestion of Death
Supplemental Brief
Witness List

Vaccine Responses

Amended Respondents Report
Reply to Response to Motion
Reply to Response to Supplemental Brief
Respondents Report
Response
Response to Cross Motion
Response to Motion
Response to Motion for Attorneys Fees
Response to Motion for Review

Response to Order to Show Cause
Response to Supplemental Brief
Sur-Reply