

# 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 a pro se paper case. *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**

- A petition must include a certificate of service in accordance with RCFC 5.3 stating that one copy of the petition and accompanying documents has been served 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**

- For each filing, the main document and each attachment must be no more than 50 MB in size. *See Supplement to Appendix B, ¶ 9(c) and <http://www.cofc.uscourts.gov/cmecf-faq#PDF>.*
  - 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**

- Accessing large files on a slower network connection can sometimes take an excessive amount of time. We ask that attorneys avoid scanned files whenever practicable and utilize PDF optimization methods to keep files as small as possible. These optimization methods vary depending on the PDF software used.
- 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.
  - Voluminous medical records may be split into multiple filings to avoid delays or failure (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 multiple attachments, although counsel must endeavor to limit the total number of attachments.
    - When filing each segment of a voluminous record (i.e., Part 1, Part 2), be sure to use the proper event (e.g., Medical Records) rather than the generic Notice of Filing.
    - Each attachment to the main document 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.
- Petitions must include a certificate of service in accordance with RCFC 5.3 stating that one copy of the petition and accompanying documents has been served on the Secretary of Health and Human Services. *See Vaccine Rule 2(e)(1).*

### **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

Alter or Amend Judgment - Vaccine Rule 36 - RCFC 59(e)

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

Cross Motion and Response (Vaccine)

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

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

*Updated April 2019*

More Definite Statement  
Motion for Judgment on the Record  
Oral Argument  
Pro Hac Vice Participation  
Proceed In Forma Pauperis  
Protective Order  
Publish  
Quash  
Reassign Case  
Reconsideration  
Reconsideration - Rule 59(a)  
Recusal  
Redact Decision  
Referral to ADR  
Reimbursement of Fees (PRO SE ONLY)  
Relief from Judgment - Vaccine Rule 36 - RCFC 60  
Remand  
Reopen Case  
Review  
Ruling on the Record  
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  
Affidavit

*Updated April 2019*

Amended Petition  
Certificate of Service  
Coversheet  
Declaration  
Exhibit List  
Expert Report  
Joint Notice Not to Seek Review  
Joint Prehearing Submissions  
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 General Order No. 9  
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

*Updated April 2019*

**Vaccine Responses**

Amended Respondent's Report  
Reply to Response to Motion  
Reply to Response to Supplemental Brief  
Respondent's Report  
Respondent's Report and Proffer  
Response  
Response to Cross Motion  
Response to Motion  
Response to Motion for Review  
Response to Motion for Attorneys Fees  
Response to Order to Show Cause  
Response to Supplemental Brief  
Sur-Reply