

Petitioners themselves. As practical applications of that etiquette, notice should be provided to opposing counsel's life care planner of scheduled consultations with medical providers, and agreed-upon scheduling should be followed once set (barring unforeseeable exigence). Participants should appear on time: neither early, such that *ex parte* communications are possible, nor late, such that the other participants are held up.

The Court **ordered** Petitioners to grant Laura Fox, Respondent's life care planner, a release to discuss with Sarah's medical providers Sarah's past, current, and future care needs; provided that Petitioners' life care planner is included in those discussions as well. That is to say, no agent of Respondent may engage in *ex parte* communication with Sarah, her treating medical providers, or Petitioners themselves.³

Also, the Court **ruled** that **no recording** of these joint communications is necessary; however, the option of audio recording remains permissible, provided that it is stipulated to by both parties and is used merely in aid of calculating damages by the life care planner. Certainly, any such **recording** will be **inadmissible** in this case on the issue of damages.

Likewise, site visits are standard operating procedure in determining damages apportionable to a petition, as a means of evaluating the health condition and needs of an injured party. **Non-intrusive examination, performed in tandem with both life care planners, is appropriate as part of the site visit process. The Court overruled Petitioners' objection to direct evaluation, inasmuch as Petitioners have placed Sarah's health care status and needs at issue**, as a dispute regarding the damages available under § 15 of the Vaccine Act.

Wherefore, by the statutory authority granted to the Court by § 12 of the Vaccine Act, the Court **orders** Petitioners to **submit to non-intrusive site visit evaluation** of both life care planners, via Rule 35(a) of the Court of Federal Claims, upon the motion of Respondent made under Vaccine Rule 7(b). Again, the Court stresses professional courtesy and interpersonal etiquette as watchwords throughout this process.

The previously-scheduled **status conference** is still scheduled to commence on **12 January 2009 at 10:00 AM (EST)**. Any obstacles encountered in the interim may be directed to my law clerk, Isaiah Kalinowski, Esq., at (202) 357-6351.

IT IS SO ORDERED.

Richard B. Abell
Special Master

³ Respondent moved for a similar limitation to be placed on Petitioner's life care planner, that she engage in no *ex parte* communication with medical providers. The Court **denied** that motion as it would amount to a violation of Petitioners' attorney-client and doctor-patient privileges.