

**OFFICE OF SPECIAL MASTERS**

**No. 05-0169V**

**Filed:** July 22, 2005

LISA KNIGHT,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Respondent.

Unpublished

To be posted on court's website<sup>1</sup>

**DECISION<sup>2</sup>**

This petition was filed without medical records on January 26, 2005. At an unrecorded status conference on March 8, 2005, the then-counsel for petitioner, Thomas P. Gallagher, explained that the petitioner was in the process of providing medical records and/or releases. In an order of March 9, 2005, I ordered Mr. Gallagher to file status reports every 60 days until a complete set of medical records was filed. Since no records had been filed, I relieved the respondent from his duty to file a "Rule 4 report" until a complete set of medical records was filed.

Thereafter, on May 6, 2005, Mr. Gallagher filed a status report, and on May 12, 2005, he filed a motion to be relieved as counsel of record in this case, since the petitioner had not cooperated with him in obtaining medical records and/or releases.

With Mr. Gallagher's permission, my staff attempted to contact Ms. Knight by telephone at her home and work, to no avail. Therefore, on May 27, 2005, I issued an order relieving Mr. Gallagher as counsel, and ordering Ms. Knight to file, by July 15, 2005, either a complete set of

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<sup>1</sup>Because this document contains a reasoned explanation for my action in this case, I intend to post this order on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Therefore, as provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, this entire document will be available to the public. *Id.*

<sup>2</sup>This document constitutes my final "decision" in this case, pursuant to 42 U.S.C. § 300aa-12(d)(3)(A). Unless a motion for review of this decision is filed within 30 days, the Clerk of this Court shall enter judgment in accord with this decision.

medical records, or a status report detailing her efforts to obtain them. This order was served on Ms. Knight at the address provided by Mr. Gallagher.

Ms. Knight did not respond. Because no records have been filed, and, in fact, there has been no contact from the petitioner, I have no choice but to dismiss this petition for failure to prosecute.

Accordingly, my Decision is that this petition is hereby denied and dismissed for failure to prosecute or prove the claim.

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George L. Hastings, Jr.  
Special Master