



Omnibus Autism Proceeding Overview

The National Vaccine Injury Compensation Program, housed in the U.S. Court of Federal Claims, initiated the Omnibus Autism Proceeding in July 2002 to consolidate the thousands of claims filed by petitioners claiming that vaccines caused autism. The petitioners' lawyers formed a Petitioners' Steering Committee (PSC) in order to consolidate the processes and, in conjunction with the Court, decided that all the cases filed fell within three theories:

1. Thimerosal-containing vaccines in combination with the measles-mumps-rubella (MMR) vaccine cause autism;
2. Thimerosal-containing vaccines cause autism; and
3. The MMR vaccine causes autism.

For each theory, the Court heard general causation arguments as well as three test cases that supported the theory:

- **Theory One:** The trial began in June 2007 with general causation hearings and the case of Michelle Cedillo. The next two test cases were heard in Charlotte, NC and Orlando, FL in the fall of the same year. The Special Masters ruled that thimerosal-containing vaccines, in combination with MMR vaccine, do not cause or contribute to autism.
- **Theory Two:** The second theory was heard in the summer of 2008. The Special Masters heard evidence for both general causation and two test cases. The final test case was heard one month later in July. The Special Masters ruled thimerosal-containing vaccines do not cause or contribute to autism.
- **Theory Three:** The final set of cases was scheduled for September 2008. The Petitioners' Steering Committee decided, however, that they had already presented evidence for this theory during the first trial, and requested that the third theory be dissolved. The Special Masters agreed, but wrote the following in their update: "If, at a future time, the PSC, or any autism petitioners' counsel, proposes a causation theory that is significantly distinct from Theory 1 or Theory 2, we will, at that time, consider the best way to evaluate such theory."¹

Special Master George Hastings wrote in his decision about one of the tests cases, "This case, however, is *not a close case*. The overall weight of the evidence is *overwhelmingly contrary* to the petitioners' causation theories...In short, this is a case in which the evidence is so one-sided that any nuances in the interpretation of the causation case law would make no difference to the outcome of the case."

The final cases of the more than 5,000 filed in the Omnibus Autism Proceeding are now being adjudicated according to the Special Masters' rulings. If either the petitioners or respondents are dissatisfied with the decisions, they have the right to appeal to the Federal Circuit within 30 days. If neither party decides to appeal, petitioners then have 90 days to opt out of the program and enter their case into a civil court. This 90-day rule also applies to decisions received from the Federal Circuit. Petitioners may also choose to move their suit to a civil court if a judgment is not entered on their case 240 days after it was filed.

¹ "Autism Update – September 29, 2008" http://www.uscfc.uscourts.gov/sites/default/files/autism/autism_update_9_29_08.pdf. Accessed 11/17/13.