

3. Conference Topics. At the conference, to the extent applicable, the following topics will be discussed:

- (a) the current status of the proceeding, including the potential for settlement;
- (b) the substantive bases for the parties' respective positions;
- (c) the nature and extent of the damages claimed (generally);
- (d) whether further proceedings will be necessary and, if so, the nature and timing of such proceedings;
- (e) the potential for narrowing issues by stipulation; and
- (f) the special master's views of the strengths and weaknesses of the parties' positions.

4. Cooperation and Settlement. The parties are expected to cooperate to bring matters to a head, to narrow issues to a minimum, to actively pursue settlement possibilities, and to proceed to complete the record expeditiously.

5. Informing the Special Master. The parties shall keep the special master informed of any developments which warrant the special master's attention, and are encouraged to initiate joint conference calls with the special master whenever the court's assistance may be helpful. Contact with my office is to be made through my law clerk, Jennifer Wright-Brown, at (202) 504-2183, or my secretary, Donna Burton, at (202) 504-2189.

6. Filing Requirements. From this point forward in these proceedings, the parties need file only the original and one copy of documents to be filed with the court. Filings should be made with the court's clerk; the undersigned does not desire that a separate copy be mailed to him. **Any medical literature filed by the parties shall clearly indicate, either through underlining or highlighting, which portions of the literature petitioner or respondent are relying on in support of their respective positions.**

7. Attorney's Fees and Costs. Petitioner may be awarded costs and attorneys' fees incurred in this action regardless of its outcome. Any award of attorneys' fees will be based upon a lodestar obtained by multiplying the number of hours reasonably expended on the case by the prevailing rate in the community in which the petitioner's counsel practices for a person with the background, experience, and reputation of petitioner's counsel performing similar services.

Accordingly, petitioner's counsel is directed to maintain contemporaneous time records of all case related activities. Any application for attorneys' fees must include a detailed summary of the time and activity records of each person for whom time is being charged, a certification that such records are accurate and complete, and supporting affidavits or other documentation (beyond counsel's own affidavit) as to prevailing rates in the community for similar services and

the reasonableness of the rate(s) requested. If fees and costs from a prior civil action are sought under this Program, similar records concerning the said action must also be provided.

8. Program Information. Petitioner is referred to the court's "Guidelines for Practice Under the National Vaccine Injury Compensation Program" for helpful aids in handling this case. In addition, petitioner should note that the special masters' decisions are on LEXIS and WESTLAW computer research service.

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master