

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 1:05-CV-10749-RWR

DR. MARK GEIER and  
DAVID GEIER,

Plaintiffs,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES;  
DR. SARAH K. PARKER, Children's Hospital, Department of Pediatrics;  
DR. JAMES TODD, Children's Hospital, Department of Pediatrics;  
DR. BENJAMIN SCHWARTZ, Department of Health and Human Services;  
DR. LARRY PICKERING, CDC;  
THE AMERICAN ACADEMY OF PEDIATRICS,

Defendants.

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**DECLARATION OF JAMES K. TODD, M.D.**

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I, Dr. James K. Todd, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Colorado resident and Professor of Pediatrics, Microbiology and Preventive Medicine and Biometrics and Section Head for Epidemiology in the Department of Pediatrics at the University of Colorado Health Sciences Center in Denver, Colorado. I also serve as Director of Epidemiology for the Children's Hospital in Denver, Colorado. The Children's Hospital and its affiliated clinics serve as the only locations where the University provides pediatric training and service.

2. I coauthored an article entitled "Thimerosal-Containing Vaccines and Autistic Spectrum Disorder: A Critical Review of Published Original Data." The article



was published in the September 2004 issue of *Pediatrics*. *Pediatrics* is an official peer-reviewed journal of the American Academy of Pediatrics that publishes articles primarily for physicians.

3. The purpose of the article was to “systematically review published articles that report original data pertinent to the potential associations between thimerosal-containing vaccines.” Because there is a debate in the medical community about whether vaccines cause autism, the article “assess[ed] the quality of evidence assessing a potential association between thimerosal-containing vaccines and autism and evaluate[d] whether that evidence suggests accepting the hypothesis” that thimerosal might cause autism.

4. The article reviewed the literature discussing a causal link between thimerosal and autism, including several articles authored by the Geiers. As a coauthor of the article, I provided statistical analysis of the studies reviewed in the article and reviewed drafts of the article.

5. My work on the article was conducted in Denver, Colorado. While drafting the article, I communicated by phone, by email and in person with the article’s coauthors, Dr. Sarah Parker at the University of Colorado Health Sciences Center and Children’s Hospital in Denver, Colorado, Dr. Benjamin Schwartz at the Centers for Disease Control in Atlanta, Georgia, and Dr. Larry K. Pickering at the Centers for Disease Control in Atlanta, Georgia. None of the communications with my coauthors occurred in Washington, D.C. To my knowledge, none of my coauthors was in Washington, D.C. during our telephone conversations.

6. I did not communicate with officials at the Department of Health and Human Services or any other individuals in Washington, DC about the drafting and publication of the article.

7. I am a member of the American Academy of Pediatrics, which is headquartered in Elk Grove Village, Illinois. Although I understand that American Academy of Pediatrics maintains an office in Washington, D.C., to my knowledge I have never spoken or corresponded with anyone in that office regarding the drafting and publication of the article.

8. I was not compensated for the article I submitted to *Pediatrics*. I have not received subscription fees from *Pediatrics*, royalties for the sale of *Pediatrics*, or any other compensation from the American Academic of Pediatrics. I have never received any form of compensation for the research that I performed to produce the article. None of my research for the article was sponsored by any pharmaceutical company or any other person or company.

9. My work is conducted primarily in Colorado. Children's Hospital is the only hospital at which I have privileges to admit patients for medical treatment. I see all of my patients in Colorado and conduct all of my research in Colorado.

10. I do not engage in or solicit any business in the District of Columbia. I do not maintain a place of business in the District of Columbia. I have never derived any revenue from goods used or consumed or services rendered in the District of Columbia. I do not have privileges at any hospitals in the District of Columbia. I do not see patients in the District of Columbia. To my knowledge, none of my patients resides in

