

IN THE
Supreme Court of the United States

W.R., A MINOR, BY AND THROUGH HIS PARENTS AND NEXT
FRIENDS, HEATHER ROGERO and WALTER ROGERO II,

Petitioner,

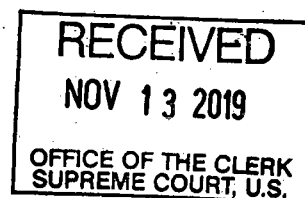
v.

ALEX AZAR II,
SECY. OF HEALTH & HUMAN SERVICES *Respondent.*

On Petition for a Writ of Certiorari to the United
States Court of Appeals for the Federal Circuit

APPENDIX I
FOR PETITION FOR A WRIT OF CERTIORARI

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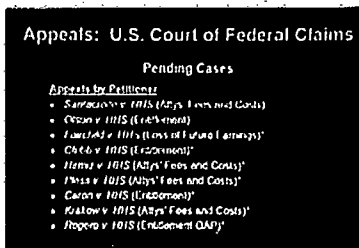


INTERVENING CIRCUMSTANCES OF DOJ PUBLICIZING A FALSE CLAIM DURING PENDING LITIGATION, AND CONCEEDING BY CORRECTION WITHOUT NOTIFYING THE COURTS

Applicable ABA Rules of Model Conduct, “It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation” or “discrimination on the basis disability” R. 8.4(c), (g), A lawyer shall not knowingly: make a false statement of material fact or law to a third person” and then “fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer, R. 3.3 (a)(1), 4.1(a), nor, “assert or controvert an issue therein, unless there is a *basis in law and fact* for doing so that is *not frivolous*” R. 3.1 FRCP 60(b)(2)(3) provides Grounds for “Relief from a Final Judgment” for “fraud, misrepresentation, or misconduct by an opposing party, newly discovered evidence.

Fraudulently, on December 6, 2017 and March 8, 2018, DOJ Attorney Reeves, representing *Rogero* on filings, fraudulently published this case had an (“OAP”) autism claim to 3rd Parties, and materially corrected it prior to the Federal Circuit Decision, both her and Attorney Johnson were listed as litigating to Federal Circuit. But have failed to correct the false statement to the Court, for defrauding W.R. III, because the Federal Circuit Decided based on DOJ’s fraudulent assertions that there was erroneously a “basis” for subsequent autism disability, which in fact is a basis of discrimination violating civil and fundamental rights as defined by Section 504 of The Rehabilitation Act.

ABA Rule 3.6: Trial Publicity. “(a) A lawyer who is participating or has participated in the ... litigation of a matter shall not make an *extrajudicial statement* that the lawyer knows or reasonably should know will be disseminated by means of *public communication* and will have a *substantial likelihood of materially prejudicing* an adjudicative proceeding in the matter. (b) Notwithstanding paragraph (a), a lawyer may state: (1) the claim, [not a false claim] (d) No lawyer associated in a government agency [DOJ] with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).

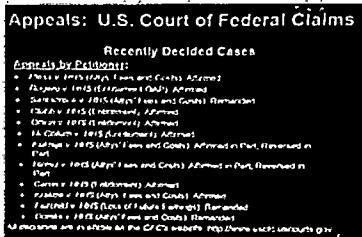


On December 6, 2017, under **Pending Cases**, p. 8, during Motion for Review, this case is listed fraudulently listed By DOJ as **“Rogero v. HHS (Entitlement OAP)”** OAP was an Omnibus Autism Proceeding that Rogero injury was after, had no criterion, nor legally filed to be in OAP as required, significantly had no claim of autism claim, proof of

DOJ’s fraud to the Public

DOJ has defined (“OAP”) as autism claim, see below, p. 55 differentiating “non-autism claims with the VICP”

<https://www.hrsa.gov/advisorycommittees/childhoodvaccines/Meetings/20171208/doj-presentation.pdf> (last viewed November 1, 2019)



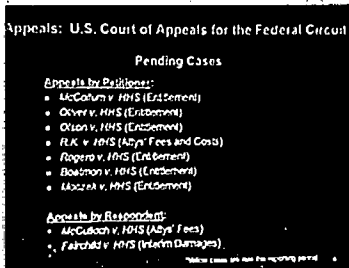
On March 8, 2018, 11 AM,
 "Rogero v. HHS (Entitlement OAP)"

DOJ Report at the Advisory Commission on Childhood Vaccines, Report by the Department of Justice, Catherine E.

Reeves, Deputy Director, Torts Branch, See pp. 1, 67, 73 and p. 55 citing "non-autism claims" [Table of Contents, and fraud of *Rogero v. HHS* noted as an (OAP) case]

<https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/vaccines/meetings/2018/Meetingbook-030818.pdf> last viewed November 1, 2019)

Materially, on September 6, 2018, p. 6, while Rogero is "Pending" in Federal Circuit, DOJ Attorney Pearlman, representing HHS at hearing, publicly conceded by



correction to Advisory Commission on Childhood Vaccines (ACCV) conference that Rogero was not an autism claim. In this regard, concedes DOJ's material misrepresentation in litigation, there was *no autism claim*, demonstrating litigation to Federal Circuit was focused on an irrelevant subsequent handicap as defined by HHS experts and DOJ filing of *sequae*, convincing proof of Section 504 violation by DOJ. Since Attorney Pearlman's is the Assistant Director in

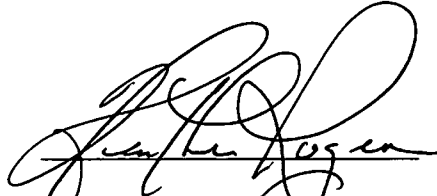
the Civil Division where she manages litigation, she conceded correction for DOJ Civil Division. And continues to remain corrected, on March 8, 2019, correcting DOJ's fraud for changing positions from HHS experts and mischaracterizing Rogero as an autism claim "OAP".

<https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/vaccines/meetings/2018/09062018-doj-update-pearlman.pdf> (last viewed November 1, 2019)

Unconstitutionally, on September 12, 2018 the Federal Circuit, in violation of Section 504, decided in Rogero 18-1684, (Sept. 12, 2018) "autism" *discrimination*, was a "substantial basis" due to misrepresentations by DOJ filing illegitimate testimony as legally supported, and requiring an unlawful legal standard on a medical theory due to DOJ's misrepresentation.

CERTIFICATE OF COUNSEL

I hereby certify that this petition for rehearing is presented in good faith, and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2. ✓



November 9, 2019.

REV. HEATHER B. ROGERO
Counsel of Record

REV. DR. WALTER A. ROGERO