

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**HEATHER ROGERO, WALTER A. ROGERO, II,
W.R., A MINOR,**
Petitioners-Appellants

v.

**SECRETARY OF HEALTH AND HUMAN
SERVICES,**
Respondent-Appellee

2018-1684

Appeal from the United States Court of Federal
Claims in No. 1:11-vv-00770-EDK, Judge Elaine Kaplan.

**ON PETITION FOR PANEL REHEARING AND
REHEARING EN BANC**

Before PROST, *Chief Judge*, NEWMAN, LOURIE, LINN¹,
DYK, MOORE, O'MALLEY, REYNA, WALLACH, TARANTO,
CHEN, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Appellants Heather Rogero, Walter A. Rogero, II and W.R. filed a combined petition for panel rehearing and rehearing en banc. A response to the petition was invited by the court and filed by appellee HHS. The petition was referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue on January 25, 2019.

FOR THE COURT

January 18, 2019

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court

¹ Circuit Judge Linn participated only in the decision on the petition for panel rehearing

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Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue on January 25, 2019.

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ON MOTION

PER CURIAM.

O R D E R

Appellants Heather Rogero, Walter A. Rogero, II and
W.R. move for judicial notice.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

January 16, 2019
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court