

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

**MELISSA KENNEDY, AS NEXT FRIEND FOR,
MICHAEL DAN KENNEDY,**
Petitioners-Appellants,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,
Respondent-Appellee.

2011-5106

Appeal from the United States Court of Federal
Claims in Case No. 90-VV-1009, Judge Francis M.
Allegra.

JUDGMENT

ANDREW D. DOWNING, Rhodes, Hieronymus, Jones,
Tucker & Gable, of Tulsa, Oklahoma, argued for
petitioners-appellants.

MICHAEL P. MILMOE, Senior Trial Counsel, Torts
Branch, Civil Division, United States Department of
Justice, of Washington, DC, argued for respondent-
appellee. With him on the brief TONY WEST, Assistant
Attorney General, MARK W. ROGERS, Acting Director,
VINCENT J. MATANOSKI, Acting Deputy Director, and
CATHARINE E. REEVES, Assistant Director.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, CLEVINGER, and MOORE,
Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

October 15, 2012
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk