

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-5068

LEE ANN KAY, parent of
MASON KAY, a minor,

Petitioners-Appellants,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent-Appellee.

Kevin P. Conway, Conway, Homer & Chin-Caplan, P.C., of Boston, Massachusetts, argued for petitioners-appellants. Of counsel was Ronald C. Homer.

Lynn E. Ricciardella, Trial Attorney, Torts Branch, Civil Division, United States Department of Justice, of Washington, DC argued for respondent-appellee. With her on the brief were Gregory G. Katsas, Assistant Attorney General, Timothy P. Garren, Director, Vincent J. Matanoski, Acting Deputy Director, and Catharine E. Reeves, Assistant Director.

Appealed from: United States Court of Federal Claims

Judge Christine O.C. Miller

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Judgment

ON APPEAL from the UNITED STATES COURT OF FEDERAL CLAIMS
in CASE NO(S). 05-VV-393.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (LOURIE, RADER, and PROST, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED November 10, 2008

/s/ Jan Horbaly
Jan Horbaly, Clerk